

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.01.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.1228/2020

Dhayalan ... Petitioner

Versus

- 1.The District Collector
Vellore District, Vellore.
 - 2.The Revenue Divisional Officer
Vellore, Vellore District.
 - 3.The Block Development Officer
Annaicut Union Officer, Annaicut Taluk
Vellore District.
 - 4.The Chief Educational Officer
Sathuvachari, Vellore,
Vellore District.
 - 5.The District Educational Officer
Fort Round Round, Vasanthapuram
Kosapet, Vellore 632001, Vellore District.
 - 6.The Elementary School Educational Officer
Archeological Road, Officer's Line
Vellore 632004.
- .. Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of mandamus forbearing the respondents and their subordinates from starting or continuing any construction work of the proposed water storage tank in the land classified as school playground and public pathway comprised in Survey No.29/2 and 29/6 of Unai Revenue Village, Annaicut Taluk, Vellore District and consequently, direct the 1st respondent to allot alternative village Natham poramboke land in the Unaipallathur Village, Annaicut Taluk, Vellore District for the purpose of proposed construction of water storage tank.

For Petitioner : Mr.K.Balu
For RR1 to 3 : Mr.R.Vijayakumar, AGP
For RR4 to 6 : Mr.S.Sureshkumar, GA [Edn]

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

- (1) By consent, the writ petition is taken up for final disposal. Mr.R.Vijayakumar, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 3 and Mr.S.Sureshkumar, learned Government Advocate [Edn] accepts notice on behalf of respondents 4 to 6.
- (2) The writ petition is styled as a public interest litigation, filed by the petitioner, who is a resident of Unaipallathur Village, Annaicut Taluk, Vellore District and Mr.K.Balu, learned counsel for the petitioner would submit that the lands in S.No.29/2 and 29/6 of Unaipallathur Village are classified as 'pathway' as per the Revenue records and there exist an elementary School having the students strength of 35 and right adjacent to the said School building, a huge pit has been dug up for the purpose of constructing an Overhead water tank without obtaining any permission whatsoever, from the concerned authorities.
- (3) It is also pointed out by the learned counsel for the petitioner that the said vacant place prior to digging, was used as a playground by the students studying in the said Elementary School and he would further submit that since a huge pit has been dug up, there is some accident also likely to happen if any of the students falls into the pit and hence, prays for appropriate orders to close the said pit with a further direction forbearing the respondents from putting up an Overhead water tank.
- (4) This Court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader appearing for respondents 1 to 3 and Mr.S.Sureshkumar, learned Government Advocate [Edn] appearing for respondents 4 to 6 and also perused the materials placed before it.
- (5) Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 3rd respondent herein to consider and dispose of the petitioner's representation forwarded by the Office of the 1st respondent in Petition No2019/9005/04/458934/1125 dated 25.11.2019 and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

(6)The writ petition stands disposed of accordingly. No costs.
Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

AP

To

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- 6.The Elementary School Education Officer
Archeological Road, Officer's Line
Vellore 632004.

+1 cc to Government Pleader Sr.No. 5301

A.SK(25/02/2020)

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