

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.15872 of 2013
and M.P.No.1 of 2013

K.M.Shanmugam,
'Shantha Illam',
Lot No.6692, Batu 3/12,
Jalan Changkat Jong,
36000 Taluk Intan,
Perak D.R.,
West Malayasia,
Now temporarily residing at
Flat No.G-1, No.1, Thulasi Nagar,
Poompuhar Nagar Main Road,
Kolathur,
Chennai - 600 099. Petitioner

Vs.

- 1.The Director of School Education,
DPI Complex,
College Road,
Chennai - 600 006.
- 2.The Chief Educational Officer,
C.P. Chittrarasu Maligai,
P Block, 3rd Floor,
Vellore - 9.
- 3.The District Educational Officer,
No.4, Eedka Grounds,
Tirupattur. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a writ of mandamus to direct the 1st respondent to keep petitioner grandmother Mrs.Poongavanam's name to the Govt. High School built with his own funds and functioning at Kathiyavadi Village, Walajah Taluk, Vellore District.

For Petitioner : Mr.A.S.Baalaji

For Respondents : Mr.S.Suresh Kumar
Government Advocate (Edn.)

O R D E R

This writ petition has been filed for a mandamus to direct the first respondent to name the Government High School functioning at Kathiyavadi Village, Walajah Taluk, Vellore District in the name of the petitioner's grandmother Mrs.Poongavanam.

2.It is the case of the petitioner that he was born at Kathiyavadi Village and studied in Melvisharam High School. It is his case that since his mother expired when he was a child, he was brought up by his grandmother Mrs.Poongavanam. According to the petitioner, in memory of his grandmother, he wanted to build a school bearing her name. According to him, at that point of time, the Government High School was functioning inside the campus of Government Elementary School at Kathiyavadi Village.

3.It is also the case of the petitioner that he purchased 50 cents of land from and out of his own funds in the said village during 1990 and commenced the construction of a school building in the year 1993 and completed the same in the year 1997. According to him, the school building consists of eight class rooms and three rooms for teachers. According to the petitioner, after the building was constructed, High School started functioning from the newly constructed building at Kathiyavadi Village, Walajah Taluk, Vellore District. According to the petitioner, the total cost of the land and building in which the school is located is more than Rs.20 lakhs.

4.According to the petitioner, he approached the Head Master of the school several times for naming the school in the name of his grandmother Mrs.Poongavanam. According to him, he was informed that unless the land and building is gifted, his request cannot be acceded to. It is his case that he came all the way from Malaysia and executed a gift deed dated 25.03.2008 in respect of the land and building at Kathiyavadi Village in favour of the Chief Executive Officer, Vellore, which is registered as Document No.2309 of 2008. It is his case that despite registration of the gift deed in favour of the Chief Executive Officer, Vellore, till date, the Authorities have not named the school in the name of his grandmother Mrs.Poongavanam.

5.The petitioner states that the Government of Tamil Nadu G.O.Ms.No.409 School Education (E.1) Department dated 09.11.1998, clearly mentions that "For High School buildings" if donation is given for 4 class rooms or not less than Rs.10 lakhs, then the school should be named as per the wish of the donor. According to the petitioner, he spent more than Rs.20 lakhs for the construction of the school at Kathiyavadi Village, Walajah Taluk, Vellore District and despite the request made by him to name the school in the name of his grandmother Mrs.Poongavanam, the Authorities have failed to name the school as per his wishes. In such circumstances, this writ petition has been filed.

6.A counter affidavit has also been filed by the respondents stating that the request of the petitioner to name the school in the name of his grandmother Mrs.Poongavanam is under consideration. In the counter affidavit, the second respondent has also referred to G.O.Ms.No.1003 Education Department, dated 22.05.1976, G.O.Ms.No.409, School Education Department, dated 09.11.1998 and G.O.Ms.No.96 School Education Department, dated 22.06.2006. According to the second respondent, the aforesaid GOs clearly disclose that for a High School building, if donation is given, the gift must be an unconditional one. In the counter affidavit, it is also disclosed that the Government may however, agree to name the building in such a manner on such condition the Government may deem fit.

7.Heard Mr.A.S.Baalaji, learned counsel for the petitioner and Mr.S.Suresh Kumar, learned Government Advocate for the respondents.

8.As seen from the counter affidavit filed by the second respondent, the request made by the petitioner for naming the school in the name of his grandmother Mrs.Poongavanam is under consideration by the Government. In the counter affidavit, the second respondent has not stated that the petitioner is not entitled for naming the school in the name of his grandmother. It is also not disputed that the petitioner has gifted the lands to the Government vide gift deed dated 25.03.2008 registered as Document No.2309 of 2008. The only question which has to be considered by the respondent is whether the donation given by the petitioner is eligible for naming the school in the name of his grandmother as per G.O.Ms.No.1003 Education Department, dated 22.05.1976, G.O.Ms.No.409, School Education Department, dated 09.11.1998 and G.O.Ms.No.96 School Education Department, dated 22.06.2006.

9.For the foregoing reasons, for naming the school at Kathiyavadi Village, in the name of petitioner's grandmother Mrs.Poongavanam, the petitioner is directed to give a fresh

representation to the first respondent for naming the school in the name of his grandmother Mrs.Poongavanam within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondent shall consider the representation of the petitioner and pass final orders in accordance with law within a period of six weeks thereafter after giving sufficient opportunity to the petitioner to put forward his submissions.

10.With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy//

Sub Assistant Registrar

pam

To

1.The Director of School Education,
DPI Complex,
College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
C.P. Chittrarasu Maligai,
P Block, 3rd Floor,
Vellore - 9.

3.The District Educational Officer,
No.4, Eedka Grounds,
Tirupattur.

+1cc to Mr.A.S.Balaji, Advocate, SR.No.11520.

+1cc to Government Pleader, SR.No.12418.

RK(CO)

CSR: 17.03.2020

W.P.No.15872 of 2013