

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.12.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

WP.NO.18961 OF 2020 & WMP.NO.23517 OF 2020

[VIDEO CONFERENCING]

C.Kalvinathan

..

Petitioner

Versus

1. The Secretary
School Education Department
Fort St George, Chennai 600 009.
2. The District Collector
Salem, Salem District.
3. The District Educational Officer
Salem, Salem District.
4. The Assistant Director,
Panchayat, Salem, Salem District.
5. The Block Development Officer
Union office, Omalur, Salem District.
6. The Village President
Sakkarachettippatti Panchayat
Omalur Taluk, Salem District.

..

Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 5 to utilize the land in S.NO.60/3B, 62/7B an extent of 50 cents at Sakkarachettippatti Panchayat, Omalur Taluk for educational/high school purpose as per Gift Deed dated 30.07.1974 and consequently direct the 6th respondent not to take the possession of said land by way of encroachment by considering the petitioner's representation dated 02.12.2020.

For Petitioner : Mr.M.Elango

For R1 & R3 : Mr.C.Munusamy
Spl.Government Pleader [Edn]

For R2 & R4 : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Mr.C.Munusamy, learned Special Government Pleader [Edn] accepts notice on behalf of respondents 1 and 3 and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader [Edn] accepts notice on behalf of respondents 2 and 4.
- (3) The father of the petitioner, viz., Thiru.Chinnasamy Gounder, along with two others, viz., Sengoda Gounder and Gurusamy Gounder, had gifted landed property admeasuring to an extent of 50 cents in S.NO.60/3B and 62/7B at Sakkarachettippatti Village, through a registered Gift Deed bearing Doc.No.1827/1974 dated 30.07.1974 in favour of Commissioner of Omalur Panchayat Union and a Primary School came to be constructed on the said land in an extent of 25 cents. The grievance expressed by the petitioner is that the balance 25 cents of land is vacant and the 6th respondent along with others, tried to encroach upon them and tried to convert the same for some other purpose and the representations dated 10.10.2020 and 02.12.2020 respectively, submitted in this regard, has failed to invoke any kind of response and therefore, the petitioner is constrained to file this writ petition.
- (4) Heard the submissions of the learned counsel for the petitioner; Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader appearing for respondents 1 and 3 and Mr.C.Munusamy, learned Special Government Pleader [Edn] appearing for respondents 2 and 4 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, either in his representations or in this writ petition, directs the 3rd respondent, in coordination with the 5th respondent, to cause inspection of the lands in S.Nos.60/3b

and 62/7B of Sakkarachettippatti Village after putting the petitioner as well as the 6th respondent, on notice and if the result of the inspection reveals any unauthorised occupation / encroachment, the 5th respondent or the jurisdictional officials shall take immediate, necessary and appropriate action in accordance with law and also by adhering to the principles of natural justice and complete the said exercise within a period of ten weeks from the date of receipt of a copy of this order/uploading of the order in the website and communicate the decision taken, to the petitioner and the 6th respondent herein.

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

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

AP
To

1. The Secretary
School Education Department
Fort St George, Chennai 600 009.
2. The District Collector
Salem, Salem District.
3. The District Educational Officer
Salem, Salem District.
4. The Assistant Director,
Panchayat, Salem, Salem District.
5. The Block Development Officer
Union office, Omalur, Salem District.
6. The Village President
Sakkarachettippatti Panchayat
Omalur Taluk, Salem District.

+1cc to Mr.M.Elango, Advocate, S.R.No.41594

WP.No.18961 of 2020

MTI (CO)
CS/02/02/2021