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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P.No.1878 of 2013
and M.P.Nos.1 & 2 of 2013

Society for Rural Development
rep by its Secretary Klaus Bhavan
Guniganthur Village,
Jawadhu Hills,
Jamunamarathur,
Tiruvannamalai District - 635 703.

... Petitioner

Vs.

- 1.The Director Rastra Madhiyama
Shiksha Abiyan (RMSA),
Office of the Director of School Education,
College Road, Chennai - 6.
- 2.The District Collector,
Collector's Office,
Tiruvannamalai.
- 3.The Chief Educational Officer,
Tiruvannamalai District,
Gandhi Nagar.
- 4.Society for Womens Education
and Development (SWED),
Jamunamarathur,
Jawadhu Hills,
Tiruvannamalai District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the 3rd respondent to reconvey the property subject matter of the Settlement Deed dated 21.12.2009 vide Document No.3791/2009 registered in the Office of the Sub Registrar, Polur in favour of the petitioner.

(Prayer amended vide order dated 04.08.2020 made in W.M.P.No.12399 of 2020)



For Petitioner : Mr.R.Subramanian

For Respondents: Mr.C.Munusamy,
Special Government Pleader (R1 to R3)
R4 - no appearance

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O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of mandamus seeking to re-convey the land gifted by the petitioner to the 3rd respondent for the construction of KGKV Girls Hostel under Sarva Shiksha Abiyan in the premises of the petitioner's School Jawadhu Hills Higher Secondary School, Jawadhu Hills, Thiruvannamalai District.

2. It is the case of the petitioner that the 1st respondent had constructed the hostel in the land belonging to the Government without utilizing the land gifted by the petitioner for the construction of the hostel, therefore, the respondents 1 to 3 should be directed to re-convey the land to the petitioner. The learned counsel appearing for the petitioner also submitted that the petitioner has given a representation to the respondents 1 to 3 on 17.07.2020 seeking for re-conveyance of the land, however, the respondents have not passed any order so far. Further, the learned counsel submitted that it would be suffice to direct the respondents 1 to 3 to consider the petitioner's representation and pass orders in accordance with law. The learned counsel for the petitioner further submitted that the 2nd respondent viz., the District Collector, by order dated 27.07.2020, had already recommended for re-conveyance of the land.

3. Mr.C.Munusamy, learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the respondents 2 & 3 may be directed to consider the petitioner's representation and pass orders in accordance with law.

4. Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for by the learned counsel for the petitioner, without expressing any opinion with regard to the merits of the case, I direct the respondents 1 to 3 to consider the petitioner's representation dated 17.07.2020 and pass orders, on merits and in accordance with law, after giving an opportunity of hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.



5. With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

va

To

1. The Director Rastra Madhiyama
Shiksha Abiyan (RMSA),
Office of the Director of School Education,
College Road, Chennai - 6.

2. The District Collector,
Collector's Office,
Tiruvannamalai.

3. The Chief Educational Officer,
Tiruvannamalai District,
Gandhi Nagar.

+1cc to Mr.R.Subramanian, Advocate SR.No.259720

+1cc to Government Pleader SR.No.26104

W.P.No.1878 of 2013
and M.P.Nos.1 & 2 of 2013

RJI (CO)
GMY (11/09/2020)