

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
W.P.No.22748 of 2017
and W.M.P.Nos.23865 of 2017 and 4952 of 2019
(Heard Through VC)

M/s.Sri Lakshmi Educational Foundation,
(National Public School)
Rep by its Managing Director
K.P.Saravanan,
S/o.K.M.Ponnusamy,
Veppentham Post, Trichy Road,
Namakkal - 637 002 .. Petitioner

Vs

- 1 The Principal Secretary to Government/
Commissioner of Land Administration,
Department of Land Administration,
Ezhilagam, Chepauk, Chennai - 600 005
- 2 The District Collector
Tiruchengode Road, Namakkal 637 003
- 3 The District Revenue Officer
Tiruchengode Road, Namakkal 637 003
- 4 The Revenue Divisional Officer
District Collectorate Office, Namakkal.
- 5 The Tahsildar
Tahsildar Office, Namakkal 637 003 ...Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus
directing the respondents 1 to 3 herein to sell or lease the
poromboke land situated at S.No. 31/7, Vagurampatti Village,
Namakkal, measuring about 0.93.5 hectares on grant to the
petitioner for the purpose of forming access Road as per Rule 24
of Board Standing Orders.

* * *

For Petitioner : Mr.A.Selvendran

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader

ORDER

The petitioner has sought for a direction to the respondents 1 to 3 herein to sell or lease the poramboke land situated at S.No. 31/7, Vagurampatti Village, Namakkal, measuring about 0.93.5 hectares on grant to the petitioner for the purpose of forming access Road as per Rule 24 of Board Standing Orders.

2. The petitioner is one Sri Lakshmi Education Foundation incorporated under Section 25 of the Companies Act, 1956. The object of the Company is to promote, establish, run, support and manage leading educational institutions. In order to achieve the above object, the said Company had purchased a land situated at No.32/2, Vagurampatti Village, Namakkal, measuring about 3.69 acres on 22.09.2010. The said property was purchased for the purpose of running a school. The access road to the said school is on S.No.31/7, mud road, which is classified as an unassessed barren Government Poramboke land and the extent of the said road is about 0.93.5 acres. As the said mud road is the only access to the said school, the children were put to difficulty without proper and pucca laid road. Hence, the petitioner had made a request to the respondents 3 to 4 to provide the permission to maintain the said road. It had also sent a representation dated 31.05.2017 and 03.06.2017 to the respondents seeking their indulgence to allot the poramboke land to the petitioner-Company only for the purpose of maintaining the road. As there was no response, the above Writ Petition has been filed.

3. The District Collector, Namakkal, who is the second respondent herein has filed a counter affidavit, wherein, in paragraph 15, it is stated as follows:

"15. With regard to the averments raised by the petitioner in the grounds of writ and averments in para 8 of the affidavit, it is submitted that since 1.67 acres in western portion of the poramboke land in SF.31/7 of Vagurampatti Village has been already let for using as public road, the writ petitioner would not be affected in any way by allotment of only 0.26.05 hectare (0.65 cents) of poramboke land proposed for construction of building for the purpose of Self Employment Training Centre run by Indian Bank

which is essential one for backward area people development in rural areas of Namakkal District. The access to the petitioner School has not been blocked due to the above said allotment. Already there exists a pucca Thar road in the said Survey No.31/7, which the petitioner can enjoy along with other surrounding public.”.

4. Heard the learned counsel on either side and perused the materials placed before this Court.

5. As the Government itself has stated that the said road is used only for laying a public road, through which the petitioner-School also could access, the requirement of the petitioner-School is fulfilled. The said submission is recorded.

6. Recording the above submissions made by the District Collector, Namakkal/second respondent, in paragraph 15 of the counter affidavit, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gg/srn

To

- 1 The Principal Secretary to Government/
Commissioner of Land Administration,
Department of Land Administration,
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- 2 The District Collector
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- 3 The District Revenue Officer
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A.SK(01/10/2020)