



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **14.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S. VAIDYANATHAN**

W.P (MD) No.13900 of 2020

and

WMP (MD) No.11551 of 2020

WEB COPY

St. Antony's Elementary School,
Kallathupatti School Education Committee,
Rep. By its Secretary A.Alexis,
Kallathupatti,
Thamaraipadi Post,
Dindigul - 624 005.

... Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Tahsildar,
Dindigul East Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the second respondent in his proceedings No. Nil dated 05.11.2019 and quash the same and consequently, direct the respondents to transfer the patta in Survey No.87/1 to the petitioner school society.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.M.Murugan
Government Advocate

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the second respondent in his proceedings No. Nil dated 05.11.2019 and quash the same and consequently, direct the respondents to transfer the patta in Survey No.87/1 to the petitioner school society.

2.The learned Counsel appearing for the petitioner would submit that the petitioner's school was established by the villagers in the year 1949 and permanent recognition was also granted vide Reg.No.DIS.No.564/1950, dated 12.10.1950 by the Educational Officer,



Madurai. The land in S.F.No.87/1 in which the school is situate was purchased by the villagers in the name of St.Anthoniyar Church Manager by name S.Anthonymuthu vide registered sale deed bearing Doc.No.1575/1949, dated 17.08.1949. The said S.Anthonymuthu continued as a Secretary of the shool till 2004 and thereafter, as he expressed his inability to continue as a Secretary due to his old age, the villagers nominated one G.Innasimuthu as Secretary from 2004 onwards. While so, the villagers formed a society and registered the same vide Reg. No.2/2011, on 01.03.2011 before the District Registrar, Palani, Dindigul District and the educational agency was approved by the Education Department on 11.05.2011. In such circumstances, one A.Arulanandam, who is the second son of the said S.Anthonimuthu claimed that the school belongs to his family and therefore, he claimed to become the Secretary of the school. As the said A.Arulanandam is a retired Assistant Elementary Educational Officer, by influence he got approval of the school committee in his favour illegally. The Writ Petitions filed by the said A.Arulanandam and the school society for approval of the proposal for school committee were negatived by this Court and on appeal also it was negatived. While so, as the patta for Survey No.87/1B is in the name of the said Anthonimuthu, the petitioner society made a request to transfer the same in the name of the school society. According to the learned Counsel appearing for the petitioner, there is no case is pending as of now. In such circumstances, the order impunged in this Writ Petition passed by the second respondent rejecting the claim of the petitioner society for transfer of patta in the name of the petitioner society is unsustainable in law. Challenging, the same the petitioner is before this Court.

3.Heard the learned Counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.

4.Unless there is a stay pursuant to which their hands are tied, it is very unfortunate that the revenue officials are in the habit of keeping files idle for years together on the ground that the matters are pending before different forum which is nothing but adoption of procrastination and it is failure on the part of the officials in not discharging their duties. As there is no stay, it is the duty of the officials to dispose of the matter pending before them, failing which they can relinquish the post or even resign from service. It is brought to the notice of this Court that there are several appeals pending before various authorities including the Housing Secretary which were not disposed of in one pretext or other in spite of specific direction to dispose of the same within the time prescribed, and the officials are unfit to hold the post. The directions issued by this Court, especially in paras 12 to 15 in the case of ***Mehraj Begum vs. The Government of Tamil Nadu and others [W.P.No.27499 of 2018]*** on 16.10.2018 shall be scrupulously followed, without any deviation. If any contempt proceedings are initiated for willful and deliberate disobedience of the order of this Court



and if it is established, this Court will not hesitate to send the officials to imprisonment.

5. In the present case on hand, the Writ Petition filed by one A.Arulanandam, brother of A.Alexix, the petitioner herein, in W.P. (MD)No.16647 of 2018 challenging the order passed by the District Educational Officer, Dindigul, dated 05.07.2018, was dismissed and the appeal filed by him in W.A.(MD)No.1573 of 2018 was also dismissed by the Division Bench of this Court on 26.11.2018. While so, the order of rejection made by the second respondent rejecting the claim of the petitioner to transfer the patta only in the name of the school society with regard to S.No.87/1B on the ground of pendency of appeal is not correct. If there is an order of stay or an order preventing the authorities from discharging their duties, they are bound to proceed with the application/representation which can be decided only in accordance with law and quoting the reason of pendency of appeal is a very bad sign for them to be an incumbent of a Government servant. Further, the petitioner school was established by the villagers in the year 1949 and the land was purchased only by the villagers, no individual has a right to have patta in their name except in the name of the school society. Therefore, the impugned order dated 05.11.2019 passed by the second respondent is set aside and the Writ Petition is allowed. The second respondent is directed to consider the application of the petitioner dated 25.10.2019 and issue patta in the name of the petitioner's society within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM

To

1.The District Collector,
Dindigul District.

2.The Tahsildar,
Dindigul East Taluk,
Dindigul District.

+1cc to SPL GP Sr.No.20177

W.P(MD)No.13900 of 2020
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