

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.13956 of 2021

B.Sivaram

.. Petitioner

Vs.

- 1 The Chief Secretary
Govt of Tamil Nadu, St George Fort,
Chennai 600 009.
- 2 The Director Director of School Education,
DPI Campus, College Road,
Chennai 600 008.
- 3 The Regional officer (CBSE)
New No.3, Old No.1630-A, Near Sri Devi
Hospital Anna Nagar (West), Chennai 600 040.
- 4 The Secretary Central Board of Secondary
Education, Shiksha Kendra, No. 2
Community Centre, Preethi Vihar,
New Delhi 110 092
- 5 The Collector,
Collectorate Campus, Salem 636 001.
- 6 The Distirct Revenue Officer,
Collectorate Campus, Salem 636 001.
- 7 The District Educational officer,
Collectorate Campus, Salem 636 001.
- 8 The Sub Collector/Revenue Divisional Officer,
Revenue Divisional Office, Mettur,
Salem Distirct 636 001.
- 9 The Tahsildar
Taluk Officer, Omalur 636 455, Salem District.

10 The Deputy Director Town and Country Planning,
Salem Region, No. 6, Sannadhi Street,
Subramaniya Nagar, Salem 636 005.

11 The Salem Diocese Society,
Rep by the Chairman, Bishop's House,
No.2, Court Road, Maravanery,
Salem 636 007.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Direct the Respondents 1 to 10 to take action in accordance with law on the representation of the petitioner dated 12.12.2020 and consequently direct the respondents 1 to 10 to resume 9.96 acres of land belonging to Leprosy Relief Rural society and use it as Public Health Hospital for the benefit of the Public along with accounts and income of the school 2009-2010 till date.

For Petitioner : Mr.G.Surya Narayanan

For Respondents : Mr.P.Muthukumar
Counsel for State
for RR 1, 2 and 5 to 10.

* * * * *

ORDER

(Made by Senthilkumar Ramamoorthy, J.)

The petitioner seeks resumption of about 9.96 acres of land which has been allotted to the Leprosy Relief Centre or has been acquired by such society, and for the use of the same as a Public Health Hospital.

2. The petitioner states that the Leprosy Relief Centre was established in or about 1961 and that various parcels of land were either purchased or were allotted to such society in land acquisition proceedings. It is further submitted that portions of such lands have been sold without proper permission and that the land is not being put to the intended use. Consequently, the petitioner states that representations were carried to the official respondents, but that no action has been taken to recover the lands from the concerned institution.

3. Mr.P.Muthukumar, learned counsel for the State, accepts notice on behalf of respondents 1, 2 and 5 to 10 and states that the representation of the petitioner would be duly considered and disposed of by the Chief Secretary to Government.

4. Accordingly, without going into the merits of the matter, the petitioner is granted leave to submit a fresh representation to the first respondent within two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the first respondent is directed to consider such representation after providing a reasonable opportunity of hearing both to the petitioner and to the eleventh respondent and any other parties affected by the subject-matter of such representation. The representation shall be disposed of by a reasoned order within a period of twelve weeks from the date of receipt thereof. In view of the fact that the merits of the matter have not been gone into and because the first respondent has been directed to hear the eleventh respondent before passing the order, the writ petition is disposed of without notice to the eleventh respondent.

W.P.No.13956 of 2021 is disposed of in these terms without any order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sra

To:

- 1 The Chief Secretary
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- 10 The Deputy Director Town and Country Planning,
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Subramaniya Nagar, Salem 636 005.
- 11 The Chair man,
The Salem Diocese Society,
Bishop House, No.2, Court Road,
Maravanery,
Salem 636 007.

+1cc to Mr.G. Surya Narayanan, Advocate, S.R.No.31765
+1cc to the Government Pleader, S.R.No.31733

W.P.No.13956 of 2021

AK-II(CO)
PM(12/07/2021)

सत्यमेव जयते

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