



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.04.2021**

CORAM

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**THE HON'BLE MR.JUSTICE T. S. SIVAGNANAM
and
THE HON'BLE MRS.JUSTICE S.ANANTHI**

**W.P. (MD)No.4847 of 2021
and
W.M.P. (MD)No.3942 of 2021**

K.Andiyappan

...Petitioner

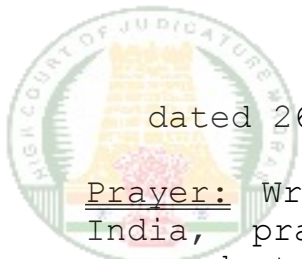
-Vs-

- 1.The State Rep. By its
The Secretary,
Department of School Educational,
Secretariat,
Chennai.
- 2.The District Collector,
O/o. The District Collector,
Karur District.
- 3.The Revenue Divisional Officer/Sub-Collector,
O/o. The Revenue Divisional Officer/
Sub Collector, Kulithalai,
Karur District.
- 4.The District Educational Officer,
O/o.The District Educational Officer,
Kulithalai,
Karur District.
- 5.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Karur.
- 6.The Assistant Executive Engineer,
O/o. The Assistant Executive Engineer,
Public Welfare Department,
Kulithalai, Karur District.

7.Ponnivalavan

(R7 impleaded as per order of this Court

<https://hcservices.ecourts.gov.in/hcservices/>



dated 26.04.2021 in WMP (MD)No.6082/2021)

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Mandamus, directing the respondents to construct the additional building for Government High School situated at Bommanayakanpatti, Kodalur Village, Kulithalai Taluk, Karur District in the land in Survey No.845/1A (15) to Survey No.845/1A(26) in an extent of 1 Acre 85 cents and consequently restrain the respondents No.1 to 6 from constructing the additional school building except the said land in Survey No.845/1A(15) to survey No.845/1A(26) situated at Bommanayakanpatti, Kodalur Village, Kulithalai Taluk, Karur District.

For Petitioner : Mr.T.Lajapathi Roy for
Mr.T.Thirumurugan
For Respondents : Mr.N.Shanmuga Selvan,
Spl. Govt. Pleader for R1 to R6
Mr.S.Muthukrishnan
for impleaded party (R7).

ORDER

[Order of the Court was made by **T. S. SIVAGNANAM, J.,**]

The petitioner by way of this Writ Petition, styled as a Public Interest Litigation, seeks for a direction upon the respondents to construct the additional building for Government High School situated at Bommanayakanpatti, Kodalur Village, Kulithalai Taluk, Karur District in the land in Survey No.845/1A (15) to Survey No.845/1A(26) in an extent of 1 Acre 85 cents and consequently restrain the respondents No.1 to 6 from constructing the additional school building except the said land in Survey No.845/1A(15) to survey No.845/1A(26) situated at Mobbanayakanpatti, Kodalur Village, Kulithalai Taluk, Karur District.

2. Pursuant to the interim direction issued earlier, a status report has been filed by the Chief Educational Officer, Karur. The operative portion of the report reads as follows:

"4. It is submitted that on 21.09.2010 land to an extent of 1.81 Acres in Sf.No.839/4, 840/1A, 840/1-B and 840/2 was donated by one B.Rajendran, B.Ramesh, Vellaiammal and Muregesan to construct additional building for the school. Thereafter another land in Sf.No.845/1A15, 845/1A 26 to an extent of 1.86 Acres was donated by a Group of Villagers of 40 persons belonging to Bommanayakkanpatti "East" Village. The petitioner was filed the above writ petition for constructing the additional building in the land donated by the 40 villagers of the Bommanayakkanpatti East Village in



Sf.No.845/1A15, 845/1A26 to an extent of 1.86 Acres.

5.It is further submitted that the another land was donated by 8 villagers belonging to Bommanayakkanpatti "West" village to an extent of 1.88 Acres in Sf.No.1097/1A, 846/2 to construct the additional building. It is submitted that the respective donors of the land is very particular in constructing the additional school building in the respective lands in which they have donated and since there was no consensus peace committee meeting was conducted by the Sub Collector, Kulithalai. On 15.12.2020 it is also informed that there is a stone quarry operating near by the land which was donated in the year 2010. Even in the peace committee meeting there was no consensus and it was decided to construct the building in a suitable place in consultation with the education authority and PWD Office and the school Headmaster. The fund to construct the building is already allotted under the combined state project and the State project Director has insisted to provide land to the concerned engineer to expedite the project in order to utilize the fund properly and in time.

6. It is submitted that the Executive Engineer, Buildings Construction and Maintenance Division, Karur requested the Chief Educational Officer, Karur to hand over the site to construct the additional school building vide this office letter No.88M/File No.2/2020/jdo-1/22.06.2020. The Chief Educational Officer has requested to construct the above building in the vacant land of existing school campus itself by his letter No.62/E1/2020, dated 05.11.2020.

7. It is submitted that accordingly the site was inspected and detailed estimate was prepared for Rs.68.02 lakhs as per of schedule rates for the year 2020-2021 and technically sanctioned by the Superintending Engineer, PWD, Construction and maintenance circle Coimbatore, vide CR.No.31/BCM/C&M/CBE/2020-2021 dated 07.12.2020.

8.It is submitted that Tender called for the above work fixing last date on 12.02.2021 vide Tender Notice No.NIT.32/BC/C&M/CBE/20-21 dated 21.12.2020. After completing the tender process, the work was entrusted to the lowest bidder M/s.R.K.Construction, Dindigul for a value of Rs.698586/- vide Agreement No.66/BCM/C&M/CBE/2020-21 dated 19.02.2021."

3. From the report, it is seen that the Department bearing in mind that the School going children should have adequate facilities, have ignored the offers made by the petitioner's group and the other



group and proceeded to effect the construction in the same school premises.

4. We appreciate the decision taken by the Department. Otherwise the funds should have been lapsed and the ultimate sufferer will be the children.

5. In the light of the above, no further orders are required in this Writ petition. Accordingly, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

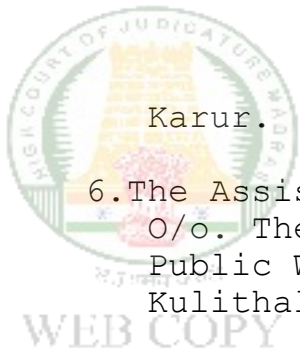
Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

vsm

To

1. The Secretary,
Department of School Educational,
Secretariat,
Chennai.
2. The District Collector,
O/o. The District Collector,
Karur District.
3. The Revenue Divisional Officer/Sub-Collector,
O/o. The Revenue Divisional Officer/
Sub Collector, Kulithalai,
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5. The Chief Educational Officer,
O/o. The Chief Educational Officer,

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Karur.

6.The Assistant Executive Engineer,
O/o. The Assistant Executive Engineer,
Public Welfare Department,
Kulithalai, Karur District.

+1 CC to M/s.SPL GP (SR-17775[F] dated 27/04/2021)

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-17864[F] dated 28/04/2021)

W.P. (MD)No.4847 of 2021
and W.M.P. (MD)No.3942 of 2021
26.04.2021

GS (16.06.2021) 5P 9C