

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Writ Petition No.25874 of 2022

B.Krishnaveni

.. Petitioner

Vs.

The Collector  
Chengalpattu 603 001  
Chengalpattu District.

.. Respondent

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondent to take appropriate action on the petitioner's representation dated 16.02.2022 praying to relocate the proposed construction of new building for the Government High School, Sogandi Village, Thirukazhukundram Taluk, Chengalpattu District from S.No.198/15 which is adjoining a forest land to the lands in S.Nos.178, 192 and 197 which is adjoining the existing school premises and pass appropriate orders thereon within a time limit stipulated by this Court.

For the Petitioner : Mr.P.Mohanraj

For the Respondent : Mr.P.Muthukumar  
State Government Pleader

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner, resident of Sogandi Village, Thirukazhukundram Taluk, Chengalpattu District, has filed this writ petition for a direction to the respondent to take appropriate action on her representation dated 06.02.2022.

2. The petitioner, by her representation dated 16.02.2022, requested the respondent to relocate the proposed construction of new building for the existing Government School from the land in S.No.198/15 to the land in S.Nos.178, 192 and 197 of Sogandi Village on the ground that the land in S.No.198/15 is a Government Poramboke land and it is adjacent to the forest land.

3. Learned counsel appearing for the petitioner submitted that the petitioner has filed this public interest litigation only in the interest of students and parents of Sogandi Village and that she does not have any personal interest.

4. The existing Government School was constructed in the land of an extent 40 cents. The existing School has no playground. The class rooms and building infrastructure are not sufficient to cater to the needs of the students. Therefore, on the repeated requests of the public and the students of the Village, the Government accorded sanction for the construction of a new building for the existing School in the land of an extent of 50 cents in S.No.198/15.

5. According to the petitioner, only after Boomi Pooja was conducted for the construction of new building, she came to know about the proposed construction in the land in S.No.198/15. The said land is adjacent to forest and therefore, it is prone to snakes, scorpions, animals and insects. Further, a vast extent of land in S.Nos.178, 192 and 197 is available in 300 feet away from the existing School, therefore, the Government may relocate the proposed construction from the land in S.No.198/15 to the land in S.Nos.178, 192 and 197.

6. The Government has accorded sanction for construction of new building for the existing Government School, taking into

consideration the demand of the students and the public in the Village. Though the petitioner apprehends that there is a risk for the students in view of the fact that the land in question is adjacent to forest and therefore, it is prone to snakes, scorpions, animals and insects, we do not find any justification in the apprehension of the petitioner as no material has been produced by the petitioner to substantiate her apprehension.

7. Further, there are several Government Schools and Private Schools functioning near the forest land in Ooty, Kodaikanal, Yercaud, etc. Just because the land in which the proposed construction for the new building is adjacent to the forest and that there is another vacant land available, the request of the petitioner to relocate the land cannot be considered as it is for the Government to decide the land in which the construction of the School building has to come up.

8. In our considered view, identification of a suitable place for construction of any public institution has to be left to the discretion of the Government, for, only the Government knows where and within how much distance the School building is to be located. Therefore, the

petitioner cannot question the decision taken by the Government regarding construction of the School building.

9. This public interest litigation has been filed without a proper research and submission of documents to substantiate the contention. In similar circumstances, the Apex Court in ***State of Madhya Pradesh v. Narmada Bachao Andolan [(2011) 7 SCC 639]***, has deprecated the casual approach of filing the public interest litigation without proper research and submission of documents. For better appreciation, relevant portion thereof is extracted under:

*"8. It is a settled proposition of law that a party has to plead its case and produce/adduce sufficient evidence to substantiate the averments made in the petition and in case the pleadings are not complete the Court is under no obligation to entertain the pleas.*

*...*

*13. Strict rules of pleading may not apply in PIL, however, there must be sufficient material in the petition on the basis of which Court may*

*proceed. The PIL litigant has to lay a factual foundation for his averments on the basis of which such a person claims the reliefs. The information furnished by him should not be vague and indefinite. Proper pleadings are necessary to meet the requirements of the principles of natural justice. Even in PIL, the litigant cannot approach the Court to have fishing or roving enquiry. He cannot claim to have a chance to establish his claim ..... "*

10. In view of the above, we do not find any merit in the writ petition. Accordingly, this writ petition is dismissed. There will be no order as to costs.

(T.R., ACJ.)      (D.K.K., J.)  
27.09.2022

To

The Collector  
Chengalpattu 603 001  
Chengalpattu District.

W.P.No.25874 of 2022

T.RAJA, ACJ,  
and  
D.KRISHNAKUMAR,J

(kpl)

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