



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No.34154 of 2017

and

WMP.No. 37947 of 2017

P. Bagyalakshmi

... Petitioner

Vs

1.The Director of School Education,
DPI Compound, College Road,
Chennai 600 006.

2. The District Educational Officer,
Pollachi Educational District,
Pollachi, Coimbatore District.

3. The District Educational Officer,
Coimbatore Educational District,
Coimbatore, Coimbatore District.

4. The Tahsildar,
Pollachi Taluk , Pollachi,
Coimbatore District.

5. Valliyammal W/o.Velusamy

6. V. Palanisamy S/o.Velusamy

7. V. Mohana D/o.Velusamy

8. V. Shanthi D/o.Velusamy

... Respondents

(R5 to R8 impleaded vide order
dated 10.09.2018 made in WMP 24393 of 2018)

Writ Petition filed under Article 226 of the Constitution of India to issue orders of Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.72818/N2/E1/2017, dated 0412.2017 and quash the same and consequently, directing the 4th respondent to issue patta in



the petitioner's name in so far relates to land situated in S.Nos.73/1A and 73/1B, Vadakkipalayam Village, Pollachi Taluk, Coimbatore District.

For petitioner ... Mr. C. Prakasam

For respondents ... Mrs. R.Ramanlal,
AAG-II,

Assisted by

... Mrs. R.Rajarajeswari,
G.A., for R1 to R3

... Mrs.C.Meera Arumugam,
AGP, for R4

ORDER

This writ petition has been filed challenging the order passed by the first respondent rejecting the petitioner's request to return the land, which was gifted by his vendor for constructing a school at Vadakkipalayam village in Pollachi Taluk.

2. According to the petitioner, her vendor one Subramaniya Gounder is the original owner of the property in Survey No.73/1A and 73/1B Vadakkipalayam Village, Pollachi Taluk, Coimbatore District to an extent of 3. 68 acres. In the year 1964, the original owner has gifted the land in favour of the District Educational Officer, Coimbatore for constructing High School in the above said village. Thereafter, in the year 1975, the petitioner's father has purchased the property from the original owner, now the petitioner is in possession of the property. Subsequently, petitioner came to know that the above land has been gifted in favour of the Government.

3. The learned counsel appearing for the petitioner submitted that even though the land has been gifted in the year 1964 for a specific purpose of constructing a school building, the respondent did not construct any school building in the said land, still it is kept vacant and the land is not used for the purpose, for which, it was gifted. Now the Government also constructed the school in some other survey number. In such circumstances, the petitioner approached the respondent to re-convey the land in favour of the petitioner and that request has been rejected. Now, challenging the same, the present writ petition has been filed.



4. Heard both sides and perused the materials available on records carefully.

5. Admittedly, the land has been gifted in favour of the 3rd respondent for constructing a school building and only thereafter, the petitioner said to have purchased the property. Now, the petitioner claiming re-conveyance on the ground that the land is not used for the purpose, for which, it was gifted.

6. In the impugned order, the first respondent has clearly stated that, now only a Panchayat Union Middle school is functioning in the above village, and in the event of school is upgraded to Higher Secondary Level, the land is required for constructing buildings. Hence, the petitioner is not entitled for re-conveyance. That apart, the very purchase of the land by the petitioner itself is not valid, as long before his purchase, the land has been gifted in favour of the Government, and his vendor lost his title, hence, he cannot alienate the property to the petitioner.

7. Considering those circumstances, as the respondents have a proposal to construct a school building in the above said land, the petitioner's request cannot be considered. Further in the event of the respondent using the land for any other purpose, at that time, the petitioner may renew his request, now, at this stage, the petitioner cannot challenge the impugned order and the same is liable to be dismissed.

8. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-CCC)

//True copy//

Sub Assistant Registrar

mrp

To

1. The Director of School Education,
DPI Compound, College Road,
Chennai 600 006.

2. The District Educational Officer,
Pollachi Educational District,
Pollachi, Coimbatore District.



3. The District Educational Officer,
Coimbatore Educational District,
Coimbatore, Coimbatore District.

4. The Tahsildar,
Pollachi Taluk , Pollachi,
Coimbatore District.

+1cc to Government Pleader SR.No.14121, 14188

W.P. No.34154 of 2017

PMK (CO)
GMY (11/04/2022)