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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.5340 of 2022

and

W.M.P.[MD]Nos.4351 of 2022

C.Arumugam

: Petitioner

Vs.

1.The Commissioner,
Hindu Religious & Charitable Endowments Department,
Chennai.

2.The District Collector,
Dindigul District,
Dindigul.

3.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Palani Road, Dindigul.

4.The District Educational Officer,
O/o. The Chief Educational Officer,
Palani Road, Dindigul.

5.The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Pandian Nagar,
Dindigul.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings passed by the first respondent in ந.க.எண்.84808/2021/எம் 1 நாள்-20.01.2022 and quash the same as illegal, arbitrary and contradicted to the provision of law and consequently directing the respondents 1 and 5 to sanction and allot the land which is situated in the Survey No.336/3A and 336/3C to the Educational Authority for the construction of High School at Serankattupatti Village, Natham Taluk, Dindigul District.

For Petitioner

: Mr.S.Sivakumar

For Respondents 1 & 5

: Mr.P.T.Thiraviam

Government Advocate

For Respondents 2, 3 & 4 : Mr.S.R.A.Ramachandran

Additional Government Pleader



O R D E R

[Order of the Court was made by **P.N.PRAKASH, J.**]

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According to the petitioner, the land in Survey No.336/3A & 336/3C in Sirankattupatty Village, Natham Taluk, Dindigul District, belongs to the Hindu Religious and Charitable Endowments Department [hereinafter referred to as 'HR & CE' Department]. The Education Department of the Government appears to have sanctioned the establishment of a High School in the said Village.

2.While that being so, according to the petitioner, it would be viable if the high school is put up in the said land belonging to the HR & CE Department. In this regard, the petitioner gave a representation dated 20.10.2021 to the authorities and thereafter, filed a Public Interest Litigation in W.P.[MD]No.21704 of 2021, for a Mandamus to the authorities to allot the said land to the education department for the construction of school.

3.A Division Bench of this Court, by order dated 08.12.2021, directed the Commissioner, HR & CE Department [first respondent therein] to consider the representation dated 20.10.2021 and pass orders within a period of four [4] weeks. Accordingly, the HR & CE Commissioner, conducted an enquiry on 13.01.2022 in which the petitioner and the Revenue authorities participated. After conducting the enquiry, the Commissioner, HR & CE Department has passed a detailed order dated 20.01.2022 holding that the said land cannot be allotted for any other purpose as that would violate Section 34 of the Tamil Nadu Hindu Religious & Charitable Endowments Act, 1959 as well the order passed by the Division Bench of this Court in W.P.No.574 of 2015 dated 07.06.2021. Challenging the same, the second round of Public Interest Litigation has been filed by the petitioner.

4.Learned Counsel for the petitioner submitted that there are several Supreme Court judgments to say about the importance of building schools in the country as that would increase the awareness of the people. One can have no two opinions on this aspect because education is most important for the citizens and the Right to Education is now construed as a Fundamental Right. But that cannot mean that the HR & CE Department can give up its lands in violation of the Statute which governs them and also in violation of the specific orders that have been passed by this Court in W.P.No.574 of 2015 dated 07.06.2021. In the impugned order, the directions issued by this Court in W.P.No.574 of 2015 dated 07.06.2021 has also been extracted. In such view of the matter, we do not find any infirmity in the impugned order warranting interference.



5. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.D.II)

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/06/2022

Sub Assistant Registrar(CS)

MR

To :

1. The Commissioner,
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Dindigul.

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O/o. The Chief Educational Officer,
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5. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Pandian Nagar,
Dindigul.

+1 CC to M/s.S. SIVAKUMAR, Advocate (SR-25754[F] dated 15/06/2022)

+1 CC to M/s.SPL.GP (SR-26144, SR-26106[F] dated 16/06/2022)

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14.06.2022

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