



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.5590 of 2022

K.V.Selvaraj

... Petitioner

/Vs./

1. The District Collector,
Theni, Theni District.

2. The Joint Director (Secondary Education),
School Education Department,
College Road, Chennai-6.

3. The Chief Educational Officer,
Theni, Theni District.

4. The Tahsildar,
Uthamapalayam,
Theni District.

5. The President,
Village Panchayat,
Seepalakottai Village,
Uthamapalayam Taluk,
Theni District.

6. The Headmaster,
Government High School,
Seepalakottai Village,
Uthamapalayam Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 4th Respondent to undertake the exercise of surveying, demarcating and planting of survey stones in the Village Natham land in Survey No.283/1, to an extent of 00.54.10 Hectares, situated at Seepalakottai Village, Uthamapalayam Taluk, Theni District, to facilitate the transfer of the land to the 6th Respondent School by the 1st Respondent, by considering the representation of the Petitioner dated 25.02.2022, within a period that may be stipulated by this Court.

For Petitioner
For Respondent

: Mr.C.Venkatesh Kumar
: Mr.M.Lingadurai
Special Government Pleader
for R1 to R4
: Mr.S.Kameswaran
Government Advocate
for R5



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the fourth Respondent to undertake the exercise of surveying, demarcating and planting of survey stones in the Village Natham land in Survey No.283/1, to an extent of 00.54.10 Hectares, situated at Seppalakottai Village, Uthamalapalayam Taluk, Theni District, to facilitate the transfer of the land to the 6th respondent School by the 1st respondent, by considering the representation of the Petitioner dated 25.02.2022, within a time frame to be fixed by this Court.

2.The petitioner claims to be the President of the Parents Teachers Association of the sixth respondent school. He also claims to be the patron of the sixth respondent school. According to him, the first respondent, in his memo in Na.Ka.No.31326/2021/Aa3 dated 15.09.2021 has instructed the fourth respondent to take appropriate action for transfer of land in Survey No.283/1, to an extent of 00.54.10 Hectares, situated at Seppalakottai Village, Uthamalapalayam Taluk, Theni District, to the sixth respondent school. But, thereafter, there has been no progress. Therefore, the petitioner has made a representation on 25.02.2022 requesting the respondents to undertake the exercise of surveying, demarcating and planting of survey stones, for the purpose of identifying the exact demarcation and to prevent any encroachment in the land proposed to be under occupation of the sixth respondent, which is under consideration of the first respondent for transfer for the purpose of playground and additional classrooms. Till date, the representation has not been considered. In such circumstances, the petitioner has filed this writ petition.

3.Heard Mr.C.Venkatesh Kumar, learned Counsel for the writ petitioner, Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 4 and Mr.S.Kameswaran, learned Government Advocate, who accepts notice on behalf of the fifth respondent.

4.No prejudice would be caused to the official respondents, if the representation of the petitioner as stated supra is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, whom the respondents deem fit to enquire.

5.Accordingly, this Court directs the fourth respondent to consider the petitioner's representation dated 25.02.2022 requesting the fourth respondent to undertake the exercise of surveying, demarcating and planting of survey stones in the Village Natham land in Survey No.283/1, to an extent of 00.54.10 Hectares, situated at Seppalakottai Village, Uthamalapalayam Taluk, Theni District, to facilitate the transfer of the land to the 6th respondent School by the 1st respondent and pass final orders, on merits and in accordance



with law, after affording a fair hearing to the petitioner and other necessary parties, whom the fourth respondent deems fit to enquire, including granting them the right of personal hearing, within a period of three [3] months from the date of receipt of a copy of this order.

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6. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Theni, Theni District.
2. The Joint Director (Secondary Education),
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College Road, Chennai-6.
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Theni District.
6. The Headmaster,
Government High School,
Seepalakottai Village,
Uthamapalayam Taluk,
Theni District.

+1 CC to M/s.C.VENKATESH KUMAR, Advocate (SR-15252[F] dated 30/03/2022)



+1 CC to M/s.SPL GP (SR-15681[F],SR-15728[F] dated 31/03/2022)

W.P.[MD]No.5590 of 2022
30.03.2022

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