



Writ Petition No.17425 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.17425 of 2023

and

W.M.P.No.16574 of 2023

- 1.Palani Mudaliar
S/o.Late Ponnaiah
- 2.Arunachala Mudaliar
S/o.Late Dharmasiva Mudaliar
- 3.Sivaprakasa Mudaliar
S/o.Late Chinnappa Mudaliar
- 4.Purushothaman Mudaliar
S/o.Late Arumugam Mudaliar
- 5.Saravana Ayya Mudaliar
S/o.Late Vaidyalinga Mudaliar
- 6.Soundararajan Mudaliar
S/o.Late Muthusami Mudaliar
- 7.Chinnathambu Mudaliar
S/o.Late Subramani Mudaliar

...Petitioners

Vs

- 1.The District Collector of Villupuram,
Villupuram.



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2.The Revenue Divisional Officer,
Villupuram.

3.The Divisional Educational Officer,
O/o.The Divisional Educational Officer,
Vanur Village,
Thiruchitrambalam P.O. 605 111.
Vanur Taluk, Villupuram District.

4.The Tahsildar, Vanur Taluk,
Vanur, Villupuram Distirct.

5.The Block Development Officer,
Vanur, Villupuram District.

6.The President,
Vilvanatham Panchayat Union,
Vilvanatham Village,
Kazhuperumbakkam Post,
Vanur Taluk,
Villupuram District.

7.P.Sridhar alias Chandrasekar
S/o.Perumal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to consider the petitioner's representation dated 17.02.2023 and forbear the fifth respondent from constructing the school in Survey Nos.228/1 and 256/2 at Vilvanatham Village, Kazhuperumbakkam Post, Vanur Taluk, Villupuram District, which are the places ear-marked for the people to prepare Pongal on daily basis and in yearly festivals and offer the same to the deities of Arulmighu Sengkeni Amman and other temples.



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For Petitioners : Mr.R.Agilesh

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader [R1 to R4]
Mr.U.Baranidharan
Additional Government Pleader [R5 & R6]

ORDER

This writ petition has been filed for issuance of a writ of mandamus forbearing the fifth respondent from constructing school in Survey Nos.228/1 and 256/2 at Vilvanatham Village, Kazhuperumbakkam Post, Vanur Taluk, Villupuram District, by considering the representation made by the petitioners on 17.02.2023.

2. Heard Mr.R.Agilesh, learned counsel for petitioners, Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing for respondents 1 to 4 and Mr.U.Baranidharan, learned Additional Government Pleader appearing for respondents 5 and 6.

3. This writ petition has been filed by the hereditary trustee and others with a grievance that the fifth respondent is attempting to put up a structure in a place that is utilized by the temple for conducting festivals. The specific



case of the petitioners is that there was already an existing school comprised in old Survey No.225/9, new Survey No.256/2. This school building become dilapidated and hence, steps were taken by the fifth respondent to reconstruct the school. While doing so, according to petitioners, the fifth respondent was attempting to encroach upon the place earmarked for conducting festival by the temple. Hence, a representation was given to the fifth respondent on 17.02.2023 in this regard. Since the same did not evoke any response, this writ petition has been filed before this Court seeking for appropriate directions.

4. Learned Additional Government Pleader appearing on behalf of respondents 5 and 6 produced the written instructions received from the fifth respondent. It is specifically stated in the written instructions that the school building is going to be constructed only in the place where the old building was in existence since the old building has become dilapidated and it is almost 70 years since that building was constructed. It is also specifically stated that there is no proposal to construct any building in Survey No.228/1.



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5. Learned Special Government Pleader appearing for respondents 1

to 4 also produced the certificate given by the Village Administrative Officer in which it has been stated that the school was constructed in Survey No.256/2 with an extent of 600 sq.mtrs. and the said school building has become dilapidated and hence, steps were taken to demolish the building and construct a new building in the same place in which earlier school building was situated.

6. It is apparent from the written instructions received from the respondents that the apprehension raised by the petitioners is unfounded and the grievance addressed by the petitioners has been sufficiently answered by the respondents. The petitioners cannot have any objection if the school building is constructed in the same place where the old school building was in existence.

This writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

13.06.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm



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N.ANAND VENKATESH, J

gm

To

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