



W.P.No.43515 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.43515 of 2016

A.Chellamuthu

.. Petitioner

Vs

- 1.The District Collector,
Salem District, Collectorate,
Salem.
- 2.The Revenue Divisional officer,
Sankagiri, Salem District.
- 3.The Tahsildar,
Edappadi, Salem District.
- 4.The Chief Educational Officer,
Salem.
- 5.Konganapuram Panchayat Union,
Block Development Officer,
Konganapuram, Edappadi Taluk,
Salem District.



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6.Konasamuthiram Village Panchayat,
rep. by its Executive Officer/President,
Konasamuthiram, Edappadi Taluk,
Salem District.

7.The Headmaster,
Government High School,
Kanniyampatti,
Konasamuthiram, Edappadi Taluk,
Salem District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records pertaining to the impugned order in N.K.5007/2013/A6 dated 14.09.2016 on the file of third respondent and quash the same, consequentially directing the respondents 1, 4 and 5 to complete the process of taking over and handing over the possession of the land to an extent of 3.50 Acre, out of 4.73 Acre comprised in Survey No.125/3 in Kanniyampatti Village belonging to the sixth respondent Village Panchayat for establishment of High School at Kanniyampatti by upgrading the existing middle school, by directing the respondents to remove the encroachers on the said land.

For the Petitioner : Mr.P.Rajavel

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by
Mrs.R.Anitha
Spl. Government Pleader
for respondents 1 to 4 and 7



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ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.P.Rajavel, learned counsel for the petitioner, and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for respondents 1 to 4 and 7.

2. The petitioner assails the order dated 14.9.2016. Under the said order, it was observed that on the northern side of the land comprised in S.No.125/3, which is classified as Thoppu, Sarabanga river is situated in Survey No.122; on the southern side Senkuttai Tank is situated in Survey No.107; and in the land comprised in Survey No.107, about 60 palm trees are standing and the said land is five feet lower than the road level and there is a stream running on the eastern side of the said land. One Sengodan, son of Marimuthu, and 17 others have encroached the said land. Further, the land is situated one kilometre away from the existing school. It was decided that the land in Survey No.125/3 is not suitable for construction of school building.



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3. In fact, the petitioner should not be an aggrieved or affected party by a decision not to construct the school in Survey No.125/3.

4. It is submitted by Mr.P.Muthukumar, learned State Government that the school is already constructed in Survey No.154/2.

5. As far as the construction of a school at a particular site is concerned, the same needs no consideration on merits, nor the petitioner can be said to be an aggrieved or affected party.

6. Another contention is qua removal of encroachment from Survey No.125/3. Learned State Government Pleader submits that if there is any encroachment, then the respondent authority would take steps in accordance with law for removal of the encroachment.

In view of the said statement, the writ petition is disposed of.



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There will be no order as to costs.

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(S.V.G., C.J.)

(P.D.A., J.)

13.07.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

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THE HON'BLE CHIEF JUSTICE
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P.D.AUDIKESAVALU,J.

(sasi)

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