



W.P.(MD)No.17923 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.17923 of 2013
and M.P.(MD)No.1 of 2013

S.M.M.Aru.Alamelu Arunachalam
High School,
Panayapatti – 622 406.
Pudukkottai District.
Rep. by its Secretary,
M.Murugappan,
S/o.Thiru Muthupalaniappan

... Petitioner

versus

1. The District Collector,
Pudukkottai District,
Pudukkottai.
2. The Revenue Divisional Officer,
Pudukkottai District,
Pudukkottai.
3. The Director of School Education,
DPI Campus,
College Road,
Chennai – 600 006.



W.P.(MD)No.17923 of 2013

WEB COPY

4. The Joint Director of School
Education (Secondary),
Office of Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

5. The Chief Educational Officer,
Pudukkottai District
Pudukkottai.

6. The District Educational Officer,
Pudukkottai District,
Pudukkottai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceeding of the 2nd respondent in Na.Ka.No.A2/187/2007 dated 18.06.2013 and quash the same and consequently direct the respondents to assign the land in S.No.697/6 & 703/18, Melapanaiyur Village, Thirumayam Taluk, Pudukkottai District to an extent of 1.53.0 Ares in favour of the petitioner School for Educational purpose without insisting any payment of land cost within a time frame to be fixed by this Court.

For Petitioner : Mr.F.Deepak
For Respondents : Mr.Veerakathiravan,
Additional Advocate General
assisted by Mr.J.K.Jayaseelan,
Government Advocate



W.P.(MD)No.17923 of 2013

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ORDER

This writ petition is filed as against the proceedings of the the 2nd respondent dated 18.06.2013 and also for a consequential direction to the respondents to assign the land in S.No.697/6 & 703/18, Melapanaiyur Village, Thirumayam Taluk, Pudukkottai District to an extent of 1.53.0 Ares in favour of the petitioner School for Educational purpose without insisting any payment of cost.

2. The Petitioner School is a Government Aided High School, which is under the Management of Panayappatti Nagarathar Sangam. The petitioner School was originally started as Primary School in the year 1949 and subsequently, the same was upgraded as High School in the year 1988. Since the land was not adequate for running the High School, based on the request made by Nagarathar Sangam, Panayappatti Village Panchayat Council, passed Resolution No.16, dated 07.03.1988, allotting the land in S.Nos.697/1, 697/2 & 703/4 to an extent of 2.41.0 hectares of land for the purpose of locating the High



W.P.(MD)No.17923 of 2013

School. The period of temporary recognition granted to the petitioner

School was over on 30.06.2009. Therefore, the petitioner School has

submitted an application to the respondents, seeking renewal of

recognition for a further period from 01.07.2009, but, the same has not

been considered on the ground that the petitioner School has been

located in the Government land. Therefore, the School Management

has made a representation to the 1st and 2nd respondents seeking transfer

of land in the name of the petitioner School in respect of land in S.Nos.

697/6 and 703/18 Melapanayur Village, Tirumayam Taluk as the said

lands, which have been classified as Natham lands, have already been

allotted to them as per Resolution No.16, dated 07.03.1988. Instead of

assigning the land in favour of the School, the Revenue Authorities

have started to assess the value of the land for the purpose of transfer of

land in favour of the petitioner School on payment of land value.

Accordingly, the 2nd respondent, by his proceedings dated 07.05.1992

fixed the rate as Rs.4,66,891/- towards the land cost for the lands in

S.Nos.697/6 and 703/4 to an extent of 1.58.0 hectares. According to



the petitioner, the petitioner School is administered by the Management with the aid received from the Government. They claim that they are conducting the School without charging any fees from the students with a sole object to provide education for poor and needy in the surrounding villages and therefore, the petitioner School is not in a position to make any payment as demanded by the respondents.

3. During the course of hearing, the request for recognition was again renewed. However, the 2nd respondent/Revenue Divisional Officer, Pudukkottai, has passed the impugned order to transfer the land in favour of the petitioner School at the cost of Rs.22,77,728/-. The value of land is fixed based on the market value and also referring to the sale transactions that took place in that area. When the representation made by the petitioner School was under consideration, the Second respondent, by his proceedings dated 18.06.2013, assessed the land cost at Rs.2,44,80,000/- in respect of the land in S.Nos.697/6 & 703/18 at Melapanaiyur Village, Thirumayam Taluk, to an extent of



W.P.(MD)No.17923 of 2013

1.53.0 acres and accordingly, the School Management was directed to forward a consent letter for payment of cost of the land as determined through Tahsildar, Thirumayam. As against the same, the present writ petition has been filed.

4. The learned Additional Advocate General submits that the School was initially started by Nagarathar Community. Thereafter, the School administration was transferred to the petitioner, who made a representation for the assessment of lands at free of costs. The lands are classified as natham and also belong to the Government. Therefore, the said lands cannot be transferred at free of costs and without following the rules and regulations of the Government. However, the authorities have intended to transfer the said lands only by considering the fact that the School is existing from the year 1949. Therefore, the 2nd respondent, as per the Board Standing Orders, has passed the impugned order fixing the market value for the lands.



W.P.(MD)No.17923 of 2013

5. This Court has considered the rival submissions and perused the materials available on record.

6. The petitioner school was allotted with lands in S.No.697/6 and 703/18 in Melapanaiur village by the village panchayat vide resolution No.16 dated 07.03.1988 for construction of school buildings. Thereafter, the District Revenue Officer passed an order on 07.05.1992, fixing the land cost at Rs.4,66,891/-, to which, the petitioner, by reply dated 21.05.1992, stated that the School is providing free education and there is no money with the petitioner school to pay for the land. Then, the 2nd respondent again initiated the proceedings for transfer of land and fixed the value of subject land at Rs.22,77,728/- vide notice dated 27.07.2006. However, the petitioner school did not pay and again requested for free assignment of land by reply dated 05.04.2013. Therefore, the 1st respondent passed the impugned order dated 18.06.2013 to the Thasildar, Thirumayam, after refixing the market value of the subject land at Rs.2,44,80,000/- and to get approval from



W.P.(MD)No.17923 of 2013

the petitioner school.

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7. The main contention of the petitioner is that the subject lands are “natham” lands and such lands does not vest with the government. So, the petitioner, being the occupier of the land, derives the title for the property and they are not entitled to pay the cost of the subject land. This contention cannot be accepted because the petitioner school entered into possession only based on the village panchayat resolution No.16 dated 07.03.1988. Hence the petitioner cannot be considered as the occupier of the natham land.

8. Moreover, the impugned order dated 18.06.2013 is only a memo from the 2nd respondent addressed to Tahsildar for obtaining approval letter from the petitioner and no further orders were passed based on this memo. Hence, there is no infringement of rights of the petitioner by this order. The petitioner has also prayed for a consequential direction of assignment of the subject lands in favor of



W.P.(MD)No.17923 of 2013

the petitioner without insisting for any payment. Such disposal of lands belonging to the Government for public purposes such as schools are governed under Revenue Standing Orders 24.

9. Based on the earlier orders of this court dated 21.02.2023, the petitioner has also made a representation seeking assignment of lands in their favor before the Secretary of the Revenue Department. Therefore, the Government shall take a decision on the representation made by the petitioner in accordance with law within a period of eight weeks from the date of receipt of copy of this order.

10. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

18.04.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

9/11



W.P.(MD)No.17923 of 2013

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WEB COPY

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Pudukkottai.
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W.P.(MD)No.17923 of 2013

B.PUGALENDHI, J.

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W.P.(MD)No.17923 of 2013

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