



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**W.P(MD)No.20294 of 2014
and
MP(MD)No.1 of 2014**

R.926, Kulithalai Co-operative Society,
117-C-Kamarajar Salai,
Kavery Nagar, Kulithalai – 639 104,
Karur District, Rep.by its
Secretary M.Saraswathy

... Petitioner

Vs.

The Commissioner,
Kulithalai Municipality,
Kulithalai.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondent to restore possession of the properties situate in Survey Nos.54/3, 4' 55/4, 8; 82/1, 2, 3 and 4 situate at Vaigai Nallur Village, Kulithalai Taluk, Karur District with the petitioner co-operative society.

For petitioner : Mr.G.S.Ashok Adhithyan

For Respondents : Mr.M.Sidharthan,
Additional Government Pleader



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ORDER

Heard the learned counsel on either side.

2.The petitioner is a registered co-operative society. It promoted a housing lay out. The petition-mentioned extent of land was earmarked for putting up a school with play ground. It was handed over to Kulithalai Municipality. The grievance of the petitioner is that after putting up a compound wall, the local body instead of constructing the school attempted to convert the same for commercial purpose. It wanted to lease out the land to collect ground rent. That is the cause of action for filing this present writ petition.

3.When a piece of land had been gifted out to the local body with a particular object, the object should be honored in letter and spirit. It cannot be diverted for any other purpose. Either the local body should construct a school building and run the school or it should return the petition-mentioned land to the petitioner herein. The petitioner will have to act as per the original purpose. The respondent should take a decision one way or the other within a period of three months from the date of receipt of copy of this order.



4.This writ petition is allowed. No costs. Connected miscellaneous petition is closed.

25.09.2023

Index : Yes / No
Internet : Yes/ No
skm

To

The Commissioner,
Kulithalai Municipality,
Kulithalai.



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G.R.SWAMINATHAN, J.

skm

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