



W.P(MD)No.7435 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7435 of 2014

Rangoon Chidambara Reddiar Charity,
through its Trustee,
R.Yesodhai Ammal.

... Petitioner

Vs.

1.The District Collector,
Trichirappalli District,
Collector Office,
Tiruchirappalli – 620 001.

2.The Chief Educational Officer,
Tiruchirappalli District – 620 008.

3.The Block Development Officer,
Block Development Office,
Lalgudi, Triuchirappalli District.

4.The Head Mistrees,
Thengal Panchayat Elementary School,
Thengal, Poovalur – 621 712,
Trichirappalli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the



W.P(MD)No.7435 of 2014

3rd respondent to consider petitioner representations dated 21.10.2013 and 21.01.2014 to give compensation of market value and to pass necessary orders within a specific time frame as fixed by this Court.

For Petitioner : Mr.T.R.Subramanian

For Respondents : Mr.V.Nirmalkumar,
Government Advocate for R1 & R2.
Mr.V.Muruganandam for R3.
No appearance for R4.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is charitable trust. The case of the petitioner is that without getting their permission, a school building had been put up. The trust therefore demands payment of appropriate compensation.

3.The fourth respondent has filed a detailed counter affidavit. It is seen therefrom that the land admittedly belongs to the petitioner / trust. However the then trustee appeared to have given permission to construct a school in the trust land. A panchayat union primary school as well as



W.P(MD)No.7435 of 2014

some other constructions came up in the year 1956. Since the school building became dilapidated, it had to be pulled down and a new building constructed. This was done in the year 2008. The school is dedicated for the welfare of children belonging to scheduled caste community. However statement has been made in the counter affidavit itself that if the trust is particular in claiming compensation, then the village education committee is ready to bear the loss of land at the rate prevailed in the year 2008.

4.The learned counsel for the petitioner draws my attention to the concession made by the fourth respondent in his counter affidavit.

5.It is hardly a concession. It is rather an appeal to the conscience of the present day trustee. The relevant paragraph of the counter affidavit is as follows:-

“5.It is further submitted that the Village namely Poovalur in Lalkudi Taluk, Trichy District wherein the School building situates is a remote village and the Village has no bus service also till this day and cannot fetch any higher amount. The trust which



W.P(MD)No.7435 of 2014

doing charity cannot withdraw their promise which is for donating the said land that also a service to the needy poor pupils who belong to the Scheduled Caste Community. Now even to a shock and surprise, on the never expected act of the trust the people still believe that the trust may withdraw their claim and settle the issue amicably by donating or dedicating the same land to the Government. If the trust is very particular in claiming compensation, then the Village Educational Committee is ready to bear the loss of the land at the rate prevailed in the year 2008 by collecting the amount from the villagers who are earning hardly for their daily bread.”

I am certain that after reading the counter affidavit in full, the trustee Ms.Yesodhai Ammal will not pursue her claim.

6.The Writ Court will be justified in interfering only if the Government or any public authority had high-handedly acted or in an arbitrary manner taken over a private land. That is clearly not the case. The school has been in existence for more than 65 years. In the counter affidavit, even the year has been specifically mentioned as 1956. I expect the present day trustee to have the same generosity of heart and magnanimity of mind as that of the erstwhile trustee. Since I am satisfied



W.P(MD)No.7435 of 2014

that the land has not been arbitrarily taken over by the Government, the question of issuing any direction does not arise. The writ petition stands dismissed. No costs.

04.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

- 1.The District Collector,
Trichirappalli District,
Collector Office,
Tiruchirappalli – 620 001.
- 2.The Chief Educational Officer,
Tiruchirappalli District – 620 008.



WEB COPY



W.P(MD)No.7435 of 2014

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.7435 of 2014

04.07.2023