



W.P.(MD) No.20039 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

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Santhamoorthy

: Petitioner

-vs-

- 1.The Principal Secretary,
Department of Tourism and Hindu Endowment Board,
Secretariat, Namakkal,
Kavignar Maligai,
Chennai.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Road,
Chennai-600 034.
- 3.The District Collector,
Office of the District Collector,
Madurai District.
- 4.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Ellis Nagar,
Madurai-625 016.
- 5.The State of Tamil Nadu,
Rep. by The Additional Chief Secretary,
Department of Revenue and Disaster Management,
Secretariat, Fort St. George,
Chennai-600 009.



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- 6.The State of Tamil Nadu,
Rep. by The Principal Secretary,
Department of School Education,
Secretariat, Fort St. George,
Chennai.
 - 7.The Director of School Education,
Office of the Director of School Education,
DPI Complex, College Road,
Nungampakkam, Chennai.
 - 8.Arulmigu Kothanda Ramasamy Thirukkivil,
Othakadai, Rep. by The Executive Officer,
Arulmigu Kalamega Perumal Thirukkivil,
Thirumogur, Madurai.
 - 9.The Chief Educational Officer,
Office of the Chief Educational Officer,
Thallakulam, Madurai District.
 - 10.The District Educational Officer,
Melur Educational District,
Melur, Madurai District.
 - 11.The Head Master,
Government Boys Higher Secondary School,
Othakadai, Madurai District.
- : Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondents 1 to 3 and 7 to 9 to initiate steps to acquire by way of long-term lease or any other way of long-term transfer of the vacant land in Y.Narasingam Bit IV S.No.102, 159.16 measuring about 1 acre that belonging to the sixth respondent for establishment of playground for the Government Boys Higher Secondary, Government Primary School, Othakadai within the time stipulated by this Court.



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For Petitioner : Mr.R.Alagumani

For R1 to R7 & R9 to R11
: Mr.P.Thilakkumar
Government Pleader

For R8 : Mr.N.S.Karthikeyan

ORDER

[Order of the Court was made by D.BHARATHA CHAKRAVARTHY, J.]

This writ petition is filed by Thiru.Santhamoorthy who is functioning as a President of Parents Teachers Association of Y.Othakadai, Government Girls Higher Secondary School at Ulaganeri.

2. It is the case of the petitioner that there is a Boys Higher Secondary School which is functioning at Y.Othakadai and mere is a Primary School. There is no playground for these schools. It is his further case that there is a vacant land in Y.Narasingam Bit IV S.No.102, 159.16 measuring about 1 acre belonging to the sixth respondent and therefore, the playground has to be established for the Government Boys Higher Secondary School and the Government Primary School, Y.Othakadai in accordance with law.



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3. Heard Mr.R.Alagumani, the learned counsel appearing on behalf of the petitioner, who after taking this Court through the resolution passed by the concerned Panchayats and the need for a proper playground for the schools, would reiterate the contentions raised in the affidavit filed in support of the writ petition.

4. Mr.P.Thilakkumar, the learned Government Pleader appearing on behalf of the respondents 1 to 7 and 9 to 11 by producing records would submit that the said land does not belonging to the sixth respondent but belongs to the eighth respondent temple. Therefore, the school playground cannot be located in the land belonging to the temple.

5. We have given our anxious consideration to the submissions made on behalf of the writ petitioner.

6. As a matter of fact, the writ petitioner himself has admitted in paragraph No.20 of the affidavit filed in support of the writ petition that the land belongs to the temple. Therefore, even in public interest, this Court cannot direct the location of the playground in the temple land. It is for the temple to consider the usage of its own land in the manner it wants. The



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prayer in the writ petition as if the land belongs to the Government is misconceived. Therefore, no such mandamus as prayed for in the writ petition can be issued as it is the right of the temple to put property into appropriate use.

7. However considering the fact that the schools are without a playground and that the concerned Panchayats as well as the Parents Teachers Association are pro-actively submitting proposals for establishment of playground, the respondents 6, 7, 9 to 11 shall consider the feasibility of establishing a playground for the school in the long-term basis and in the meanwhile on a short-term basis consider any proposal of enabling the children to use any such ground which may be available. We make it clear that it is for the official respondents to provide the facility subject to the availability of land and fesibility.

8. With the above observations, the writ petition stands dismissed.

No costs.

[S.S.S.R., J.]

[D.B.C., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No



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