



W.P(MD)No.6400 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6400 of 2015

and

M.P.(MD)No.1 of 2015

High School Committee,
Puduchathiram
Rep. by the Treasurer,
Mr.P.Balasubramaniam,
Son of Perumal,
Puduchathiram-624 619,
Dindigul Taluk & District.

... Petitioner

Vs.

- 1.The District Collector,
Dindigul,
Dindigul District.
- 2.The Tahsildar,
Dindigul.
- 3.The Superintendent of Police,
Dindigul.
- 4.The Inspector of Police,
Oddanchathiram Police Station,
Dindigul District.



W.P(MD)No.6400 of 2015

5.The Commissioner,
Reddiyarchatiram Panchayat Union,
Reddiyarchatiram, Dindigul 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 respondents 1 & 2 to issue patta in favour of the Chief Educational Officer, Dindigul in respect of lands in S.Nos.378/1A in Palakkanoothu Village, Dindigul District which is earmarked for construction of the Government High School at Pudhuchathiram Village, Dindigul District and to safeguard the said property.

For Petitioner : Mr.S.Manikandan

For Respondents : Mrs.K.Christy Theboral

Additional Government Pleader for R1 to R4

: Mr.S.Chadrasekar for R5

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is an association of persons of Puduchathiram Village. Their object is that their village should have a high school. For the last several decades, they have been fighting for this cause. They even filed a Public Interest Litigation in W.P. (MD)No.3944 of 2015 before this Court and this Court had directed the authorities to consider the petitioner's representation. Contending that patta must be issued in favour of the Chief Educational Officer,



W.P(MD)No.6400 of 2015

Dindigul in respect of the petition mentioned lands, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner took me through the averments set out in the affidavit and also the materials enclosed in the typed set of papers and called upon this Court to issue direction as prayed for.

4. The respondents have filed counter affidavit and the learned counsel took me through its contents.

5. The District Collector, Dindigul issued the proceedings on 01.12.1975 permitting the petitioner to enter upon the petition mentioned land. Since formal orders were not issued, the petitioner filed O.S.No.714 of 2003 on the file of the second Additional District Munsif Court, Dindigul for enforcing the aforesaid proceedings dated 01.12.1975. An ex-parte decree was also passed. The stand of the jurisdictional Tahsildar is that since as on date, no formal order has been issued by the Government for constructing high school in the petition mentioned site, the question of issuing patta as sought for does not arise.



W.P(MD)No.6400 of 2015

6. I carefully considered the rival contentions. It is not for the writ court to issue any direction to the Government to construct a high school in the petitioner's village. Only in the event of Government issuing formal order in this regard, patta in respect of the petition mentioned land will be issued in favour of the education department. That stage has not arisen. The petitioner has to necessarily pursue the matter with the Government. The courts are not capable of granting any remedy to the petitioner. Granting liberty to the petitioner to move the Government in this regard, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

19.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

To

1.The District Collector,
Dindigul,
Dindigul District.

2.The Tahsildar,
Dindigul.



W.P(MD)No.6400 of 2015

WEB COPY

3.The Superintendent of Police,
Dindigul.

4.The Inspector of Police,
Oddanchathiram Police Station,
Dindigul District.



W.P(MD)No.6400 of 2015

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.6400 of 2015

19.07.2023