



W.P. No.18081 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.18081 of 2019
and W.M.P.No.17463 of 2019

Periyasaamy Aided High School,
Rep. by its Correspondent / Secretary,
G.Kalavathy,
W/o.N.R.Govindarajar,
Mettur Main Road,
Ammapettai, Anthiyur Taluk,
Erode District - 638 311.

... Petitioner

Vs.

1. The Chief Audit General,
Teynampet, Chennai - 18.

2. The District Collector,
Erode district, erode.

3. The Tahsildar,
Bhavani Taluk, Bhavani,
Erode District.

... Respondents



W.P. No.18081 of 2019

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 3rd Respondent in his proceedings in Na.Ka.No.11284/2013/A3, dated 20.06.2019 and quash the same.

For Petitioner : Mr.Prakasam
For Respondents
For R1 : Mrs.J.Sreevidya
For R2 and R3 : Mr.T.Arunkumar
Additional Government Pleader

ORDER

This Writ Petition is filed seeking to issue a Writ of Certiorari, calling for the entire records pertaining to the impugned order in Na.Ka.No.11284/2013/A3, dated 20.06.2019 passed by the 3rd Respondent and quash the same.

2. Heard Mr.Prakasam, learned counsel for the petitioner, Mrs.J.Sreevidya, learned counsel appearing for the 1st Respondent and Mr.T.Arunkumar, learned Additional Government Pleader appearing for the Respondents 2 and 3.



W.P. No.18081 of 2019

WEB COPY

3. The learned counsel for the petitioner submitted that the petitioner is a Government Aided School situated in a Natham land. But, the 3rd respondent based on the audit report made a demand a sum of Rs.5,03,839/- as a lease amount. According to the petitioner, since it is a Government aided school, the 3rd respondent cannot make such a demand based on the audit report. Therefore, the impugned demand notice, dated 20.06.2019, is liable to be quashed.

4. It is a settled position of law that the Natham land does not belong to the Government and it is actually for dwelling purpose. The correspondent of the petitioner School herself has admitted that she is running a school in Natham land. Hence, it appears that the petitioner and the respondents are colluded with each other and prevented people to occupy the place which is allotted only for dwelling purpose. Hence, the petitioner is not entitled to the relief as prayed for in this Writ petition.



W.P. No.18081 of 2019

However, the petitioner is at liberty to workout her remedy in the manner known to law.

5. In view of the above, the 2nd Respondent viz., the District Collector, Erode is directed to vacate the petitioner School which situates in Natham land, within a period of three weeks from the date of receipt of a copy of this order. If at all, the Government feels that the school is absolutely necessary for that area, the Government may provide some other land belongs to Government or Pormaboke land.

6. With the above observation, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.03.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Case Citation : Yes/No

vum



W.P. No.18081 of 2019

WEB COPY

To

1. The Chief Audit General,
Teynampet, Chennai - 18.
2. The District Collector,
Erode district, erode.
3. The Tahsildar,
Bhavani Taluk, Bhavani,
Erode District.



WEB COPY



W.P. No.18081 of 2019

P.VELMURUGAN. J.

vum

W.P. No.18081 of 2019

22.03.2024