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W.P.No.26763 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.26763 of 2024

1. R.Sathiyamoorthy
2. R.Pattabiraman
3. R.Ravichandran
4. R. Karmegam
5. R.Kamaraj
- ...Petitioners

Vs.

1. The State of Tamilnadu
rep by its Secretary,
Adi Dravidar Welfare Department,
Fort St. George, Chennai - 600 009.
2. The District Collector,
Tiruvarur District, Tiruvarur.
3. The District Adi Dravidar Welfare Officer,
Office of the District Collector,
Tiruvarur District.
4. The Special Tahsildar,
Adi Dravidar Welfare Department,
Office of the Adi Dravidar Welfare Department,
Thiruthuraipoondii, Tiruvarur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for



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issuance of a Writ of Mandamus, directing the respondents herein to vacate and hand over vacant possession of the petitioners' land bearing Old Survey No.203/7, Resurvey number 203/7D2 and at present in the sub-divided Survey numbers 203/54, 203/55 measuring an extent of 16 ares i.e. 40 cents situated in Udayamarthandapuram Village, Muthupettai Taluk, Tiruvarur District to us, as per the representation dated 02.06.2012 issued by the petitioners father Radhakrishnan thereby revoking the oral permission granted to run the Adi Dravidar school by the respondents.

For Petitioners : Mr.S.Nagarajan

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

The petitioners herein seek a direction to the respondents herein to vacate and hand over vacant possession of their land bearing Old Survey No.203/7, Resurvey No.203/7D2 and at present in the sub-divided Survey Nos.203/54, 203/55 measuring an extent of 16 ares i.e. 40 cents situated in Udayamarthandapuram Village, Muthupettai Taluk, Tiruvarur District, by considering the representation dated 02.06.2012 submitted by the petitioners'



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father Radhakrishnan.

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2. By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

3. According to the petitioners, the above mentioned land was settled by their father Radhakrishnan. In the year 1965, the petitioners' father orally permitted the respondents to run the Adi Dravidar School in the above mentioned land, with an understanding that the school will be shifted, after construction of new school building in the Government owned land. However, even after a lapse of 5 decades, the respondents have not shifted the school building as per the understanding. Therefore, the petitioner issued a lawyer notice dated 20.06.2012 requesting the respondents to vacate the subject property. Upon receipt of the same, the 4th respondent in his proceedings Na.Ka.No.200/2008 dated 17.07.2012 directed the petitioner to produce the parent documents in the name of his grandfather Murugaiah. Accordingly, the petitioners produced the necessary documents to the fourth respondent. Even thereafter, they have not responded. Therefore, the petitioners are before this



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4. The learned counsel for the petitioners submitted that the petitioners are ready to produce the sale deed in the name of the petitioners' grandfather Murugaiah and the settlement deed in the name of the petitioners' father Radhakrishnan before the fourth respondent and the fourth respondent shall be directed to vacate the subject property after perusal of the original documents.

5. Heard the learned Special Government Pleader who takes notice for the respondents 1 to 4 and perused the documents enclosed in the typed set of papers.

6. It is seen that the official respondents were permitted to construct the school building in the subject land, in the year 1965 as per the oral permission granted by the petitioners' father. Whether the petitioners' father granted oral permission with an understanding that the school building will be shifted after a new school building in the Government land is constructed, is a disputed fact, which requires evidence. Therefore, this Court under the writ jurisdiction cannot go into the disputed factual position raised by the petitioner. In view of



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the reply given by the fourth respondent dated 17.07.2012, the petitioner is directed to produce the parent documents pertaining to the subject property to the fourth respondent within a period of two weeks from the date of receipt of a copy of this order. The fourth respondent is directed to consider the same and pass final orders, after issuing notice to the petitioner and other interested parties, within a period of four weeks thereafter.

7. With the above directions, this Writ Petition is disposed of.

No costs.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order
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To

1. The State of Tamilnadu
rep by its Secretary,
Adi Dravidar Welfare Department,
Fort St. George, Chennai - 600 009.
2. The District Collector,
Tiruvarur District, Tiruvarur.
3. The District Adi Dravidar Welfare Officer,



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Office of the District Collector,
Tiruvavarur District.

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S. SOUNTHAR, J.

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4. The Special Tahsildar,
Adi Dravidar Welfare Department,
Office of the Adi Dravidar Welfare Department,
Thiruthuraipoondii, Tiruvarur District.

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