



W.P.(MD)No.11519 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.(MD)No.11519 of 2024

and

W.M.P.(MD)No.10268 of 2024

N.Elavarasan

: Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai – 600 009.
- 2.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue Department,
Secretariat, Chennai – 600 009.
- 3.Directorate of Elementary School Education,
DPI Complex, College Road, Chennai – 600 006.
- 4.The District Collector,
Thanjavur District.



W.P.(MD)No.11519 of 2024

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5.The Tahsildar,
Pattukkottai,
Thanjavur District.

6.The Block Development Officer,
Pattukkottai,
Thanjavur District.

7.The Village Panchayat, Ponnavaarayan Kottai,
Rep. by its President,
Main Road, Housing Unit,
Pattaukkottai Taluk,
Thajavur District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, forbearing the respondents 4 to 7 from shifting the existing village panchayat office of Ponnavaarayan Kottai Village, Pattukkottai Taluk, Thajavur District, located at Ward – 2 to the Panchayat Union Middle School premises, situates at Ward – 9, constructed in middle of north eastern side of the property comprised in S.F.No.92/21 and 91/16 of Ponnavaarayan Kottai Village, Pattukkotti Taluk, Thanjavur District which will spoil the school atmosphere and constructed without following the due process of law, in violation of Court order and



W.P.(MD)No.11519 of 2024

consequently hand over the said new building to the school to use as class rooms.

For Petitioner : Mr.P.Thiagarajan
For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

[Order of the Court was made by R.SURESH KUMAR, J.]

The prayer sought for herein is for a Writ of Mandamus, seeking to forbear the respondents 4 to 7 from shifting the existing village panchayat office of Ponnavaarayan Kottai Village, Pattukkottai Taluk, Thajavur District, located at Ward – 2 to the Panchayat Union Middle School premises, situated at Ward – 9, constructed in middle of north eastern side of the property comprised in S.F.No.92/21 and 91/16 of Ponnavaarayan Kottai Village, Pattukkotti Taluk, Thanjavur District, which will spoil the school atmosphere and constructed without following the due process of law, in violation of Court order and for a consequential direction to hand over the said new building to the school to use the same as class rooms.



W.P.(MD)No.11519 of 2024

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2.The petitioner has moved the present petition as a Public Interest Litigation. His grievance is that he is a native of Ponnavarayan Kottai Village, Pattukkottai Taluk, Thanjavur District, where there has been a Government School upto 8th standard for the past 70 years. The entire extent of land where the school is located is about an acre. In that one acre area, apart from the old school buildings already some construction have been made to locate the Government offices. That apart, the Government had a proposal to construct a panchayat board building for the said village panchayat, for which a plan has been drawn and funds have been allotted by the Government.

3.At that time, when an attempt was made to make the construction of the panchayat board office to the estimate of more than 27 lakhs, within the premises of the school, there had been objection from some section of the village or majority of the village people.

4.Such opposition had come from the village people on the ground that already the school is running with lack of space,



W.P.(MD)No.11519 of 2024

therefore, if the number of buildings is increased that would endanger the smooth functioning of the school as the school is already running with old building without fulfilling the norms prescribed by the education department and would further be put under severe space constraint. Therefore, the construction of the panchayat board building was opposed by the village people.

5.Despite the said opposition, since attempt has been made by the concerned authorities to construction a panchayat board building, the President of the Parent Teachers Association of the school had approached this Court by filing a Public Interest Litigation in W.P.(MD)No.19387 of 2021, seeking for a Writ of Mandamus, forbearing the respondents therein from proceeding with the new village panchayat office in S.F.No.92/21 and S.F.No. 91/16 at the village concerned.

6.When the said writ petition having been entertained, an order of *status quo* to be maintained by both sides was ordered and during the subsistence of the said order of *status quo*, it is the case of the present petitioner that the construction went on. Ultimately, since the construction was completed based on the counter



W.P.(MD)No.11519 of 2024

affidavit, stating the facts that the construction is over, the Division Bench of this Court by order dated 20.03.2024, has dismissed the said writ petition.

7.Having the aforestated facts in the background, now the present writ petition again as a Public Interest Litigation has been filed by the present petitioner Mr.N.Elavarasan, who belongs to the same village and projects him as a public spirited person. Learned Counsel for the petitioner would contend that already the Government school in the village panchayat is running with lack of facilities and for want of space, no developmental activities for creation of infrastructural facilities has been made. When that being the position, the present attempt made to allow the panchayat office in the school premises is adding further to the space constraint and thereby, the smooth functioning of the school will be affected.

8.Learned Counsel would also submit that the building for the proposed panchayat board office though had been completed and it is ready for occupation, at least at this juncture, let the authorities concerned shall consider the plight of the students and



W.P.(MD)No.11519 of 2024

the building constructed for panchayat office can be utilised for the school purposes as an additional class room.

9.In this context, the learned Counsel would point out that already there has been another building constructed in the village called “Grama Sevai Mayyam”, which is also a brand new building, where the panchayat board office can very well be located. Therefore, constructing a separate building, that too with a budget of Rs.27 lakhs, though had been completed is additional expense which according to the learned Counsel for the petitioner is totally unwarranted for the purpose of locating the panchayat office.

10.In the aforesaid circumstances, the petitioner has approached this Court by filing the present writ petition with the aforesaid prayer seeking an order forbearing the respondents from locating the proposed panchayat office in the new building already been constructed.

11.We have heard the learned Government Pleader appearing for the respondents who would submit that in the earlier round of litigation, of course filed by the President of the Parent



W.P.(MD)No.11519 of 2024

Teacher Association, the similar plea had already been made, not to put up the construction for the purpose of panchayat board building. The said contention was negated by the Division Bench by its order dated 20.03.2024, where the learned Government Pleader has relied upon the following passages of the order of the Division Bench:

“4.A counter affidavit has been filed by the sixth respondent stating that administrative sanction was accorded by the authorities to construct the panchayat office building in an estimated amount of Rs.22,65,000/- under MGNREGS Scheme. Several requests have been made by general public including the petitioner with regard to change of location of the proposed construction of new building. There was a peace committee meeting conducted by the fourth respondent on 01.10.2020, during which, it was decided to select a new place for constructing the village panchayat office. Thereafter, the sixth respondent vide his communication, dated 10.12.2020 in Na.Ka.No.1895/2020/A3, had requested the revenue authorities to locate a revenue land and hand over the same to the sixth respondent for constructing the panchayat office building. Thereafter, the Sub-Collector,



W.P.(MD)No.11519 of 2024

Pattukottai, vide his communication, dated 18.12.2020, in Na.Ka.No.3815/2020/A5, had informed the sixth respondent that the land for the construction of the new panchayat office building is located in S.No.91/16 measuring to an extent of 0.24.0 ares, Ukkadai Village, Ponnavarayankottai Village Panchayat.

5.Additional counter affidavit is also filed by the sixth respondent, stating that new panchayat office building has been constructed in S.F.No.91/16 which was allotted by the Sub-Collector, Pattukottai and no building or toilet located in S.F.No.91/16 belongs to Panchayat Union Middle School, was demolished for construction of panchayat office building. It is further stated that in S.F.No.92/21 where the old panchayat office building was located, was dismantled where a Noon Meal Kitchen Shed for the use of Panchayat Union Middle School Ponnavarayankottai, has been constructed. Further, it is stated that in future, no building will be constructed for the use of Ponnavarayankottai Village Panchayat inside the Panchayat Union Middle School Campus in S.F.No.92/21."



W.P.(MD)No.11519 of 2024

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12.Relying upon these developments given by the Division Bench, learned Government Pleader would contend that the attempt already been made in this regard since ended in failure, once again is being made by the present petitioner, therefore the present petition itself is a gross misuse of process of law. Therefore, on that ground itself, the writ petition has to be dismissed *in limine*. He would also submit that insofar as the land in which the panchayat board building has been constructed is concerned, it is of course a carved out land from the school building, especially in S.F.No.91/16, which is no way attached with the school premises and is located in S.No.92/21. Therefore, the area to the extent of 0.24.0 ares allotted for the purpose of panchayat board building construction is a separate land which is no way connected with the school premises and therefore, there can be no plausible objection from any quarters, including the village people for such construction. He would also submit that since the construction has already been made and the Government money of more than Rs.27 Lakhs has already been spent for the purpose of facilitating the panchayat board office, which is also a public office for the welfare of the village people, therefore, no



W.P.(MD)No.11519 of 2024

interference is called for in locating the panchayat office in the newly constructed building, he contended.

13.We have considered the submissions made by the learned Counsel on either side and perused the materials available on record.

14.The petitioner though claimed to be a public spirited person and belongs to the same village, he has approached this Court even though the earlier attempt made by another person namely the President of the Parent Teachers Association who has filed before this Court, where the Division Bench of this Court by order dated 20.03.2024, has rejected a similar plea which was made before this Court even at the threshold ie., at the time of starting of the construction of the building. The Division Bench in the said order also noted that since the building itself has been completed and it is meant for locating the panchayat office and it is in the separate carved out land specified by the revenue department, there can be no impediment for locating the panchayat office there. When that being the position, the present attempt made by the petitioner in this writ petition certainly would be a



W.P.(MD)No.11519 of 2024

futile attempt.

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15.Moreover, insofar as the lack of facilities of the school concerned, it may be a concern for the village people. In a village, if a Government school is available, where the local wards are admitted and they are pursuing their studies, the minimum facilities both infrastructural as well as the instructional wise as to the right to free education as well as the Government orders issued in this regard by the State Government are to be made. In this context, these kind of schools which are located for several decades in village panchayats must be given priority for developing of infrastructural and instructional facilities. Nowadays, many number of private schools are coming up and the aforesaid facilities are provided only in that kind of schools. But the people from the weaker section are not able to make out the fee requirement, still they want such fee paying schools for better education and betterment of their life.

16.We cannot have a lost of sight to have such a scenario in the State of Tamil Nadu. In order to avoid this and to move more students towards the Government schools, the Government must



W.P.(MD)No.11519 of 2024

draw a master plan throughout the State, as to how to develop the existing Government schools, especially located in the rural areas on par with the private schools located in the town and cities.

17.For such phenomenal developments, we know that the Government requires huge funds. However, how that kind of funds be generated is a matter to be decided by the Rulers. Therefore, by citing the lack of funds or empty coffers, these kind of facilities cannot be denied to the rural folks, especially as they could not pursue their studies and they would not go to the private schools located in the towns and cities. This is a common issue prevailing in almost all the villages in the State of Tamil Nadu. Therefore, it cannot be stated as a peculiar one attached with the present school. Therefore, there will be a strong ground available to the petitioner and the village people of the village concerned to develop the Government school located in the said village for the benefit of the students belonging to the said village but that will not confer any right to them to oppose the move of the authorities to locate the panchayat board office in the new building as that would be a unfair attempt on the part of the petitioner and others who support the case of the petitioner.



W.P.(MD)No.11519 of 2024

WEB COPY

18.Therefore, we do not find any merits in the prayer sought for in the present writ petition. However, the grievance of the petitioner to develop the school, certainly to be given weightage and needful to be undertaken by the authorities concerned. In that view of the matter, we are inclined to dispose of this writ petition with the following order:

“Insofar as the prayer sought for in this writ petition is concerned, it does not deserve to be considered and is liable to be rejected. Accordingly, it is rejected. However, insofar as the demand that has come from the village people through this Public Interest Litigation as espoused by the petitioner especially by the learned Counsel appearing for the petitioner who happens to be a member belonging to the very same village, the said grievance shall be addressed by the Government, for which, if any detailed representation is given either by the petitioner or any one on behalf of the villagers to the appropriate authorities of the State



WEB COPY



W.P.(MD)No.11519 of 2024

Government / Education Department, that shall be considered and due weightage must be given for upgrading the standard of instruction of the school concerned by creating more infrastructural and instructional facilities of the school concerned.”

19.With the above observations, this writ petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[R.S.K.,J.] & [G.A.M.,J.]

05.06.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

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W.P.(MD)No.11519 of 2024

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W.P.(MD)No.11519 of 2024

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W.P.(MD)No.11519 of 2024

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ORDER MADE IN
W.P.(MD)No.11519 of 2024

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