



W.P.(MD)No.21415 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2024

CORAM

**THE HONOURABLE MRS.JUSTICE N.MALA**

**W.P.(MD)No.21415 of 2017**

**and**

**W.M.P(MD)No.17706 of 2017**

P.Selvaraj

... Petitioner

Vs.

1.The State of Tamil Nadu,  
Rep. by its Secretary,  
School Education Department,  
Secretariat,  
Chennai.

2.The District Collector,  
Trichy District,  
Trichy.

3.The Chief Educational Officer,  
O/o. The Chief Educational Office,  
Tiruchirapalli.

4.The Special Tahsildar (Adi-Dravidar Welfare),  
Adi-Dravidar Welfare Office,  
Tiruchirapalli.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for  
issuance of Writ of Mandamus, forbearing the respondents from



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commencing/constructing any building in the land owned by the petitioner in S.No.167/3 to an extent of 16 cents, Pettavaithalai Village, Srirangam Taluk, Trichy District and in the event of acquiring the land for any public purpose to direct the Government to follow due process of law by invoking the provisions of right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : Mr.Mohammed Imran  
For M/s.Ajmal Associates

For Respondents : Mr.M.Muthumanikkam  
Government Advocate

### **ORDER**

The writ petition is filed for Writ of Mandamus, forbearing the respondents from commencing/constructing any building in the land owned by the petitioner in S.No.167/3 to an extent of 16 cents, Pettavaithalai Village, Srirangam Taluk, Trichy District and in the event of acquiring the land for any public purpose to direct the Government to follow due process of law by invoking the provisions of right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



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2. The case of the petitioner is that the property in S.No.167/3 to an extent of 16 cents, Pettaivaithalai Village, Srirangam Taluk, Trichy District, was originally owned by the petitioner's grandfather and from his period, the petitioner's family was cultivating the lands for over 83 years. According to the petitioner, patta was issued in the name of the petitioner's father, namely, Kulanthaivelu. While so, the second respondent without initiating any acquisition proceedings started constructing the school on the petitioner's land. The petitioner therefore gave several representations to the respondents for purpose of reclaiming his lands. As no action was initiated on the petitioner's representation, the petitioner filed the writ petition for the aforesaid relief.

3. The respondents filed a detailed counter stating that the survey number for the proposed school building was S.No.169, and it was classified as Government Poramboke land. As per the resolution of the Pettavaithalai Panchayat in Resolution No.99, dated 09.01.2016, out of the total extent of 3 Acre 72 cents, an extent of 32 cents, in S.No.169/3, was reserved to be retained for the construction of Government High School. The property in S.No.169/3 was sub-divided into S.Nos.169/3 and 169/4. An extent of 32 cents was classified as Government High School as per the proceedings of the Thasildar,



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Srirangam Taluk, dated 11.01.2016. According to the respondents, the school

was not constructed in S.No.167/3, as alleged by the petitioner. The property in S.No.167/3 also did not stand in the name of the petitioner but it stood in the name of six other persons. The respondents further submitted that the school was constructed as per the Rashtriya Madhyamik Shiksha Abhiyan Scheme and as per G.O.Ms.199/School Education (C2) Department, dated 07.12.2011. The respondents reiterated that the Government High School was constructed in S.No.169/4, by Public Works Department on 06.08.2018 and not in S.No.167/3 as claimed by the petitioner.

4. Heard both counsels and perused the records. It is the petitioner's case that his lands in S.No.167/3 were utilized for construction of the school building. On the other hand it is the respondent's specific case that only the lands in S.No.169/3 were used for construction of the school building. Admittedly the petitioner does not claim any right or interest in S.No.169/3. If the petitioner genuinely believes that his lands were used then he will have to approach the civil court as disputed questions of fact cannot be gone into by the writ court.



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5. Hence, I find no merits in the writ petition and the same is dismissed.

No costs. Consequently, the connected miscellaneous petition is closed.

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NCC:yes/no  
Index:yes/no  
Internet:yes/no  
SN

**To:**

- 1.The Secretary,  
School Education Department,  
Secretariat,  
Chennai.
- 2.The District Collector,  
Trichy District,  
Trichy.
- 3.The Chief Educational Officer,  
O/o. The Chief Educational Office,  
Tiruchirapalli.
- 4.The Special Tahsildar (Adi-Dravidar Welfare),  
Adi-Dravidar Welfare Office,  
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**N.MALA, J.**

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