



W.P.No.538 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.538 of 2025
and W.M.P.No.642 of 2025

1. M.DHARMALINGAM

2. E. PANNERSELVAM

.. **Petitioner**

Vs.

1. THE DISTRICT COLLECTOR
INSPECTOR OF PANCHAYATS,
DHARMAPURI DISTRICT, DHARMAPURI 5.

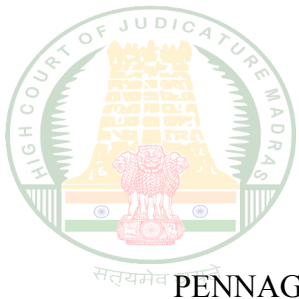
2. THE SUB COLLECTOR
DHARMAPURI REVENUE DIVISION,
DISTRICT RURAL DEVELOPMENT AGENCY
SALEM DISTRICT, SALEM.

3. THE TAHSILDAR
PENNAGARAM TALUK, PENNAGARAM 636 810
DHARMAPURI DISTRICT

4. THE BLOCK DEVELOPMENT OFFICER
COMMISSIONER (VILLAGE PANCHAYATS)
PENNAGARAM PANCHAYAT UNION, PENNAGARAM 636 810
DHARMAPURI DISTRICT

5. THE PANCHAYAT PRESIDENT
BADRATHALLI VILLAGE PANCHAYAT,

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PENNAGARAM PANCHAYAT UNION,
BADRAHALLI 636 810 DHARMAPURI DISTRICT

6. THE DISTRICT EDUCATIONAL OFFICER
SCHOOL EDUCATION DEPARTMENT,
DHARMAPURI DISTRICT, DHARMAPURI 5

7. THE HEAD MASTER
PANCHAYAT UNION MIDDLE SCHOOL,
VATHALPATTI, BADRAHALLI 636 810
PENNAGARAM TALUK, DHARMAPURI DISTRICT

8. THE SUPERINTENDENT OF POLICE
DHARMAPURI DISTRICT, DHARMAPURI 5

9. THE INSPECTOR OF POLICE
ERIYUR POLICE STATION, ERIYUR,
PENNAGARAM TALUK, DHARMAPURI DISTRICT

10. KAMALA

11. CHANDRA

.. **Respondents**

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents 1 to 9 to take appropriate action against the Respondents 10 and 11 for their illegalities and remove them from the school premises and consequently to ensure the safety of Students of the 7th Respondent school viz. Panchayat Union Middle school, Vathalpatti, Badrahalli Panchayat, Pennagaram Taluk, Dharmapuri district, based on the Representation of the petitioners dated 28.11.2024 and 06.12.2024 respectively and pass such a further order.

For the Petitioners : Mr.M.R.Jothimanian



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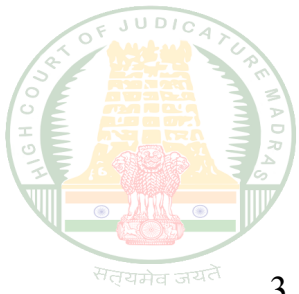
For the Respondents

: Dr.S.Suriya
Additional Government Pleader
for RR1 to 5
Ms.P.Raja Rajeswari
Government Advocate
For RR6 & 7
Dr.C.E.Pratap
Government Advocate
for RR 8 & 9
Mr.K.Bharathi
for Mr.S.Sakthivel for RR10 & 11

ORDER

This Writ Petition is filed for a Writ of Mandamus, to direct the respondents 1 to 9 to take appropriate action the respondents 10 and 11 for their illegalities and to remove them from the school premises and consequently to ensure the safety of the students of the 7th respondent – School, viz., Panchayat Union Middle School, Vathalpatti, Pennagaram Taluk, Dharmapuri District.

2. Pursuant to the directions issued by this Court earlier, the Tahsildar concerned, the Block Development Officer and the District Educational Officer and the Headmaster appeared before this Court virtually and also the Inspector of Police, Eriyur Police Station appeared before the Court.



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3. The grievance of the petitioners is with regard to the safety and good environment relating to the 7th respondent – School. As far as the 11th respondent is concerned, today, an order dated 09.01.2025 is produced whereby the Tahsildar, by making humanitarian consideration, has permitted her to temporarily stay in the unused anganwadi building pertains to the 7th respondent – School, since her house was suddenly demolished.

4. When the matter came up for hearing today, the Tahsildar appearing virtually / in person submitted that a patta for a free house site is being processed. However, the 11th respondent is unwilling to move to the said place.

5. In response thereof, the learned counsel appearing for the 11th respondent would submit that he will persuade the 11th respondent to accept the place that is allotted for her.

6. Further, it is brought to the notice of this Court that the 11th respondent has been shifted from the anganwadi building and she is now temporarily



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residing along with her relative. Therefore, steps may also be taken to issue the patta to the 11th respondent and it is made clear, the Government and the Tahsildar are taking a proactive approach considering the humanitarian situation and it is for the 11th respondent to accept the same and she cannot dictate her own choice with reference to the place.

7. As far as the 10th respondent is concerned, now photographs have been produced before this Court, where it can be seen that apart from the small bunk shop, she also erected a proper light roofing structure surrounding the bunk shop. The structure is on the right side of the main entrance of the 7th respondent – school and therefore, it may cause some kind of distraction/disturbance for the school.

8. At the same time, the learned counsel appearing for the 10th respondent pleads that the 10th respondent is a widow and she is selling chocolates and other eatables to the school students and she is not selling any tobacco products or alcohol as alleged in the Writ Petition.



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9. This Court also enquired with the Inspector of Police, who is present before this Court and also the authorities who are present virtually. All of them have categorically answered that the 10th respondent is only selling chocolates and other snacks etc., for the school children and she is not selling any banned food items.

10. In view thereof, the present structure and the manner in which the bunk shop is erected right at the entrance of the school and it may not be permitted. At the same time, since the 10th respondent pleads livelihood and she is eking out the livelihood by selling snacks, etc., to the children, the Tahsildar - 3rd respondent can earmark a place nearby to the school which will be conducive for the livelihood of the 10th respondent, at the same time, it will not in any manner interfere with the functioning of the school, while installing her bunk shop. The 10th respondent can only have the bunk shop and cannot erect a shed over the bunk shop.

11. The prayer in the Writ Petition is disposed of with the above



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directions. It can be seen that the petitioner is very much interested in the functioning of the school. Considering the fact that the school has students of upto the 8th standard and especially girl children are studying in the school, the petitioner can very well donate a incinerator and a napkin vending machine. The same can be received by the Headmaster and can be placed in the appropriate place in the School.

12. The above exercise of relocating of the bunk shop of the 10th respondent as well as issuance of patta to the 11th respondent shall be completed within a period of four weeks from the date of receipt of the website uploaded copy of the order, without waiting for the certified copy. No costs. Consequently, the connected miscellaneous petition is closed.

14.02.2025

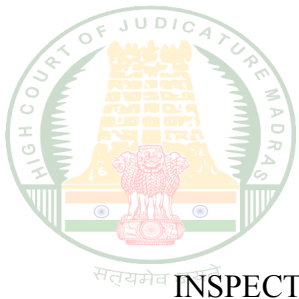
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To

1. THE DISTRICT COLLECTOR

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DISTRICT RURAL DEVELOPMENT AGENCY
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5. THE PANCHAYAT PRESIDENT
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