



WEB COPY



W.P. No. 6681 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No. 6681 of 2023

R.K.Jayakumar

... Petitioner

Vs.

1.The Secretary to Government
Government of Tamil Nadu
Department of School Education
Fort St. George, Chennai-600009.

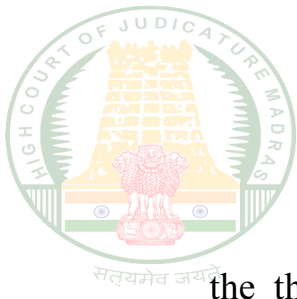
2.The Director
Director of School Education
College Road, Chennai – 600008.

3. The District Collector
Krishnagiri District
Krishnagiri.

4. The Tahsildar
Denkanikottai Taluk
Denkanikottai
Krishnagiri District.

... Respondents

Prayer : This writ petition has been filed under Article 226 of the Constitution of India, praying for issuance of writ of mandamus, for a direction to the respondents 2 and 4 herein to act on the direction given by



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the third respondent in its proceedings bearing O.Mu.No.32489/2021/R1 dated 03.12.2021.

For Petitioner : Mr.T.T.Ravichandran

For Respondents : Mr.A.Selvendran, SGP

ORDER

The present writ petition is to direct the second and fourth respondents to act on the direction given by the third respondent in its proceedings dated 03.12.2021.

2. It is submitted by learned counsel for petitioner that the petitioner had earlier submitted a representation dated 26.10.2021 addressed to the respondents herein, wherein it is *interalia* stated that the land comprised in New Survey No.43/2 measuring an extent of 6 acres situated at T.Kollahalli Village, Tenkanikottai Taluk, Krishnagiri District was purchased by the petitioner's grand father vide registered Sale Deed No.534 of 1924 dated 07.02.1924. It is also stated that the petitioner's grand father had permitted the State to run a school in the above purchased property.



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3. It is further submitted by learned counsel for petitioner that after demise of the petitioner's grandfather, petitioner's father requested the school authorities to handover vacant possession of the property. Similar request has now been made by petitioner. Alternatively, he has also stated in the representation that if the Government intends to continue to retain possession, they may do so after acquiring the land by paying appropriate compensation. On receipt of this representation, there was a direction issued by the District Collector to the District Educational Officer to conduct an enquiry.

4. It is further submitted by learned counsel for petitioner that despite the above proceedings of the third respondent, the representation is yet to be considered and it is kept pending.

5. The learned Special Government Pleader appearing for the respondents has stated in the Counter that the subject property belongs to Government and it is classified as 'Government Poramboke', in which the Government school is presently located. It is stated that the petitioner's



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claim of title over the subject property is without any basis. The question of considering payment of compensation would arise only when he is able to establish a clear title over the property, which according to the learned Special Government Pleader vests only with the Government and not the petitioner.

6. In any view, it was further submitted that even in the representation dated 26.10.2021, it has been stated that the school has been in the said premises for more than 70 years and it is only sometime in the year 2021, the petitioner has given representation seeking possession of the subject property on the premise that the school was only granted permissive occupation, which according to the learned Special Government Pleader appearing for the respondents does not have any basis whatsoever.

7. It is trite law that Courts would exercise restraint while exercising the power of judicial review under Article 226 of the Constitution of India. I am not inclined to examine the question of title. At this stage, petitioner would request that his representation be considered by the appropriate



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authority. At this juncture the learned Special Government Pleader appearing for the respondents, after reiterating that the property vest with the State as evident from the classification of land from the revenue records as 'Poramboke land', would submit that the representation of the petitioner would be considered and appropriate orders would be passed, after affording sufficient opportunity to the petitioner within a period of 16 weeks from the date of receipt of a copy of this order.

8. Accordingly, this writ petition is disposed of. No costs.

04.07.2025

Index: Yes/No

Internet: Yes/No

Maya

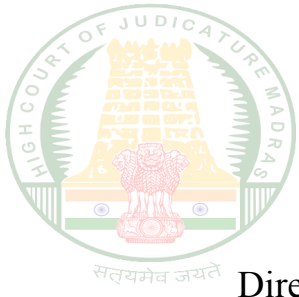
To

1. The Secretary to Government
Government of Tamil Nadu
Department of School Education
Fort St. George, Chennai-600009.

MOHAMMED SHAFFIQ, J.

Maya

2. The Director



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