



W.P.No.4360 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 26.02.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.4360 of 2026

Sri Kanchi Kamakoti Peetathipathi
Jayendra Saraswathy Sankara
Nursery & Middle School
(Now known as Sankara School, Pulivalam)
6/338 Thoppu Street
Pulivalam, Thiruvarur District – 610 109,
Rep by its Hon Correspondent,
M.V.Balasubramanian

.. Petitioner

Versus

1. The Secretary to the Department of Education,
Secretariat,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.
2. The Director of Private Schools,
Directorate of Private Schools,
Perasiriyar Anbalagan Kalvi Valagam,
Chennai – 600 006.
3. The District Educational Officer,
Office of the District Educational Officer,
Ground Floor,
Collectorate Annexe Building,
Thiruvarur – 610 004.

.. Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondent to accord upgradation to the petitioner as High School.

For Petitioner : Mr.S.Ravindran,
Senior Counsel,
for Mr.K.Thiyageshvaran

For Respondents : Mr.M.Suresh Kumar,
Additional Advocate General,
Asstd. by Mr.A.M.Ayyadurai,
Government Advocate

ORDER

This Writ Petition is filed for a mandamus directing the respondents to accord upgradation to the petitioner school as high school.

2. The case of the petitioner is that the petitioner is running a middle school at Thiruvarur district. The entire school is running with a charitable and pious purpose for the socially disadvantaged students. Good facilities are provided and education being imparted. Learning outcomes are good. When the school is now claiming upgradation from middle school to high school, permission is not granted. Therefore, the present Writ Petition.



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3. The Writ Petition is resisted by the respondents. The grounds, on which, the school is not being granted upgradation is mentioned in paragraph No.7 of the counter-affidavit. The learned Additional Advocate General would submit that some of the shortcomings mentioned can be rectified. However, he would only insist upon the condition Nos.1, 4 and 16. The said three conditions are extracted hereunder for ready reference:-

(1) An extent of 2 acres of land in a compact block should be available and required for upgradation. But there is only very minimum space of 72.86 cents alone available in the School.

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(4) The Lease deed Dt. 13.8.2024 executed by the Land Owner is only upto 28.7.2026 and the extent is only 0.29.50 Ares. As per rule 8(6) of Tamil Nadu Private School Regulation 2023, minimum required area is 2 acres in a compact area and if it is on lease land, the registered lease deed should be for a period of not less than 15 years.

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(16) It is humbly submitted that as per the computerised patta in the official website of Revenue Department the lands in RS.No.161/3 stands registered in the name of the following persons as on date i.e. 11.02.2026

161/3 0.29.50

1. Gopalan son of Srinivasan
2. Rajagopalan son of Srinivasan
3. Saminathan son of Srinivasan
4. Radhakrishnan Son of Srinivasan
5. Gothandaraman Son of Srinivasan

But the Lease dated 28.3.2022 has been executed only by T.S.Gopalan and the validity of the said lease is in question since there is no registered Power deed in respect of the land in RS.No.161/3 which is said to have been **declared in the year 2005** is not find a place in the



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Encumbrance Certificate taken from the official website of REGINET.”

He would submit that even the lesser extent is not contiguous and a residential house is also within the boundary. Therefore, he would submit that the school is not entitled for upgradation as per the rules that are on force.

4. I have considered the submissions made by the learned Senior Counsel for the petitioner school and the learned Additional Advocate General for the respondents.

5. With reference to the clause relating to two acres of land, it can be seen that the very same objection was raised when the school wanted to upgrade itself from primary school to middle school. By the order, dated 26.08.2020 made in W.P.No.29025 of 2019, after considering the fact that the school building already has a three storied building with 22 classrooms with an area of 6,502 sq.ft and the facilities created by the school should not go waste and the needs of the people living in the Pulivalam village has also been considered as a special case and also by comparing it to the other schools in the vicinity, it was already held that de hors the said condition, the upgradation is to be considered positively.



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In view thereof, the above issue has already been decided inter parties.

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6. Over and above the same, it is also brought to the notice of this Court that already, in exercise of powers under Section 3(2)(a)(i) of the Tamil Nadu Urban Local Bodies Act, 1998, a draft notification is published by the Government of Tamil Nadu, whereby, this Pulivalam village is proposed to be included in the Thiruvarur municipality and it is only awaiting the formal notification. Once it comes within the municipal area, then, the minimum requirement comes down from two acres to 50 cents. This petitioner has 73 cents. Therefore, considering the same also, I am of the view that the said condition need not be insisted for the upgradation of the school. The authorities should consider that it is a peri-urban area where large number of students are awaiting education and there is a need for a high school.

7. With reference to the lease deed, it is now submitted by the learned Senior Counsel that one of the co-owner has signed the lease deed after getting Power of Attorney from the other co-owners. If that is the case, the condition No.16 can be explained to the respondents. It is also further stated that the registered lease deed has validity for another 30



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years. The same shall also be demonstrated before the respondent authorities. The other requirements, as rightly stated by the learned Additional Advocate General, are matters of inspection and rectification.

8. Therefore, I am of the view that the Writ Petition shall be disposed of on the following terms:-

(i) The petitioner shall make a representation along with the web-copy of this order, within one week from the date of its receipt;

(ii) Upon receipt of further representation, without insisting for the contiguous extent of two acres, it will be open for the respondents to consider the other minimum requirements and if any rectification has to be needed and any inspection has to be conducted, the same shall be expeditiously conducted and as far as possible, positively, the upgradation to the high school, shall be considered.

(iii) In any event, final orders shall be passed within a period of four weeks from the date of making the representation, so that, at least, from the next academic year, the school is upgraded as high school.

(iv) There shall be no order as to costs.

26.02.2026

Neutral Citation : no
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D.BHARATHA CHAKRAVARTHY, J.

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