



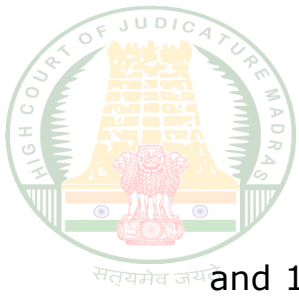
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THE HON'BLE ACTING CHIEF JUSTICE  
and  
P.D.AUDIKESAVALU, J.

(Order of the Court was made by the Hon'ble Acting Chief Justice)

The public interest litigation has been filed to seek a direction for use of the land in Survey No.1979 exclusively for the sports related activities, for which an order was passed by the Collector, The Nilgiris, on 24.12.2001. It is stated that the playground is now being used for dumping material pursuant to the order dated 27.11.2021 passed by the Commissioner, Udthagamandalam Municipality.

2. While considering the argument of learned counsel for the petitioner, it is found that by the order dated 24.12.2001, the land belonging to the government was permitted to be used as a playground for the government school and permission was also granted to a private school, namely, Sri Shanthi Vijay Girls Higher Secondary School, to use the land as a playground between 10 am



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and 1.30 pm. It needs to be clarified by the respondent authorities as to how permission can be granted by the respondents in favour of the private school when the land does not belong to the private school and is a government land. The respondent authorities may further clarify as to how the Commissioner, Udthagamandalam Municipality, issued the order dated 27.11.2021 for dumping the material and machinery in the land earmarked as playground. It may also be stated as to why the said communication dated 27.11.2021 was addressed to the private school when they have no ownership of the land.

3. At this stage, the court is informed that the private school is keeping the area earmarked as playground under lock and key with them and, therefore, the letter dated 27.11.2021 was addressed to the private school, despite the fact that private school is dumping rubbish also in the playground, which is evident from the photographs enclosed along with the writ petition.

4. In view of the above, this court takes cognizance of the

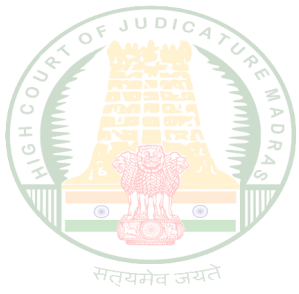


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issue as to how the Collector had passed the order dated 24.12.2001 permitting the private school to use the land belonging to the government as a playground and further as to how recognition can be given to the private school when the land used as playground does not belong to it. The respondent authorities are directed to clarify the position.

5. Since the scope of the writ petition has been enlarged by taking suo motu cognizance by this Court, Sri Shanthi Vijay School, through its Headmistress, Udhagamandalam, The Nilgiris, is added as a party respondent. The Registry is directed to carry out necessary amendment and send the notice to the newly impleaded party respondent, returnable by 20.1.2022.

6. During the intervening period, the respondents are directed to take a decision in reference to the issue raised by this court and if a mistake has been committed in passing the orders, they may correct it appropriately.



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7. Let this petition be listed on 20.1.2022 and, in the meanwhile, the material lying in the playground would be removed forthwith and the playground would not be used for any other purpose than for the sports activities by the government school alone. The respondents would, accordingly, secure and maintain the entire area of the playground so that it can be used by the students of the government school exclusively for sports related activities.

(M.N.B., ACJ) (P.D.A.,J.)  
16.12.2021

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