



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

AND

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P (MD) No.20126 of 2015

and

M.P (MD) No.1 of 2015

A.Ravindran

...Petitioner

Vs.

- 1.The District Collector,
Pudukkottai.
- 2.The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.
- 3.The Superintending Engineer,
Public Works Department,
(Buildings & Maintenance),
Pudukkottai.
- 4.The Chief Educational Officer,
Pudukkottai.
- 5.The Tahsildar,
Aranthangi.
- 6.The Assistant Executive Engineer,
Public Works Department,
(Buildings & Maintenance),
Peravoorani Salai,
Aranthangi - 614 616.
Pudukkottai District.
- 7.The Commissioner,
Aranthangi Municipality,
Aranthangi Post & Taluk,
Pudukkottai District.



8.The Head Master,
Government Higher Secondary School,
Aranthangi Post & Taluk,
Pudukkottai District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents not to encroach by putting up compound wall and reducing the width of the road in T.S.No.53, Ward A, Block 11, Aranthangi Town, Pudukkottai District.

For Petitioner : Mr.N.Balakrishnan

For Respondents : Mr.A.K.Baskarapandian,
Special Government Pleader
for R.1 to R.3, R.5, R.6 and R.8

Mr.VR.Shanmuganathan,
Special Government Pleader for R.4

No appearance for R.7

ORDER

(Order of the Court was made by NOOTY.RAMAMOHANA RAO,J.)

This writ petition is instituted seeking a writ of Mandamus directing the respondents not to encroach upon by putting up a compound wall and thus, reducing the width of the road in T.S.No.53, Ward A, Block 11, Aranthangi Town, Pudukkottai District.

2. The respondents 1 to 8 are public authorities. In fact, the respondents 1 to 7 are Government officials while the eighth respondent is the Head Master of the Government Higher Secondary School, Aranthangi Post & Taluk, Pudukkottai District.

3. It appears that the local Member of Legislative Assembly, under the Constituency Development Scheme, has allocated a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) towards construction of a compound wall on the western side of the Government Higher Secondary School for Boys at Aranthangi and the District Collector has accorded administrative sanction to take up the said work, vide proceedings in RC.No.B/1825/2014, dated 04.10.2014. The Member of Parliament of Ramanathapuram Constituency has similarly sanctioned a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) towards construction of the compound wall for the same school. Based thereupon, the District Collector has accorded administrative sanction to take up the execution of the work for constructing the



compound wall vide proceedings in RC.No.B/5125/2014, dated 18.05.2015.

4. It appears that after carrying out local inspection by the revenue authorities, school authorities and the officials of the Public Works Department, the boundary of the school premises was fixed and the site for construction of the compound wall was handed over to the Public Works Department on 01.10.2015. The said site appears to have been handed over in turn to the contractor on 03.10.2015 and the work relating to the construction of the compound wall of the school appears to be in progress.

5. In the counter affidavit filed by the Chief Educational Officer, Pudukottai, in paragraph 6, it has been asserted that the compound wall on the northern side of the school is being put up within the land situated in T.S.Nos.54 and 55 belonging to the school and not even an inch of any other land has been encroached upon by the school authorities. In fact, the petitioner has not even alleged that there is any such encroachment made by the school authorities.

6. We have perused the entire material on record and therefrom, we gather that the petitioner is anxious to secure the existing width of the road ranging between 9 to 11 feet to be increased by a further 2 to 3 feet, so that, it becomes easily and conveniently motorable. For achieving any such objective, institution of the present writ petition and that too, in the present form, is ill-suited. When the respondent school authorities have asserted that they have not encroached upon the land of anyone else, the question of issuing a writ in terms of the prayer of the petitioner would not arise. This apart, while granting administrative sanction, the District Collector has only accorded permission for construction of compound wall for the existing school premises. Therefore, if the Government is undertaking the construction of a compound wall around its school building, they shall confine the said construction activities strictly to the limits of their own land. No writ of Mandamus can be issued either.

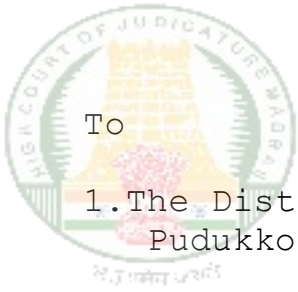
7. For the aforesaid reasons, we do not find any merit in this writ petition and accordingly, the same is dismissed. However, it goes without saying that in case, the writ petitioner is anxious to secure the width of the road to be widened a little more, it is always open to him to approach the competent authority by way of an appropriate representation, which as and when is made, we hope that it will receive proper consideration. No costs. Consequently, the connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar



To

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2.The Revenue Divisional Officer,
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Pudukkottai District.

+1cc to M/S.N.Balakrishnan, Advocate SR.No.43183
+1cc to M/S.P.Mahendran, Advocate SR.No.43228
+1cc to Special Government Pleader SR.No.43253

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