

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.3.2017

CORAM

THE HONOURABLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.6718 of 2017
and
W.M.P.No.7258 of 2017

The Aided Muslim High School,
Kollumedu Village and Post,
Kattumannarkoil Taluk,
Cuddalore District,
rep. by its Correspondent
Mr.A.G.Mujeebur Rahman

Petitioner

Versus

1 The District Collector
Cuddalore District Cuddalore

2 The Revenue Divisional Officer
Chidambaram Cuddalore District

3 The Tahsildhar
Kattumannar Koil Taluk
Cuddalore District

4 The Village Administrative Officer
Kollumedu Village
Kattumannar Koil Taluk
Cuddalore District

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents herein from in any manner demolishing the school buildings or dispossessing the petitioner from the lands in S.No.36/8A of Kollumedu Royanallur Village, Kattumannar Koil Taluk, Cuddalore District, unless by due process of law.

For petitioner : Mr.S.V.Karthikeyan

For Respondents: Mrs.Vasudha Thiagarajan, AGP

ORDER

(Order of the court was made by HULUVADI G.RAMESH, ACJ.)

Heard the learned counsel appearing for the petitioner and Mrs.Vasudha Thiagarajan, learned Additional Government Pleader, who takes notice on behalf of the respondents.

2. The writ petition has been filed seeking issuance of a writ of mandamus forbearing the respondents herein from in any manner demolishing the school buildings or dispossessing the petitioner from the lands in S.No.36/8A of Kollumedu Royanallur Village, Kattumannar Koil Taluk, Cuddalore District, unless by due process of law.

3. According to the petitioner, the petitioner/School was established in the year 1940 having taken the land for lease from the Wakf Board. It appears that in a writ petition filed by a third party alleging that the encroachment had been made by the petitioner, this court directed the authorities to inspect and take action. Now, the case of the petitioner is that the Village Administrative Officer is threatening the petitioner regarding encroachment of land on which the school building is put up and also issued notice directing the petitioner to remove the encroachment or else the building would be demolished.

4. In the facts and circumstances of the case, this court is of the view that an opportunity needs to be given to the petitioner. Accordingly, the petitioner shall give a detailed representation alongwith an application seeking for survey of his land by paying necessary fees and thereupon, a survey shall be conducted by the respondents, in the presence of the petitioner, within one month from the date of receipt of such application. Thereafter, if any encroachment is found, then the petitioner shall remove the same within a period of two months thereafter. If there is no encroachment as alleged, it is for the respondent authority to protect the interest of the petitioner. Till such a decision is taken, no coercive steps shall be taken by the respondent-authorities.

5. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The District Collector
Cuddalore District Cuddalore
- 2 The Revenue Divisional Officer
Chidambaram Cuddalore District

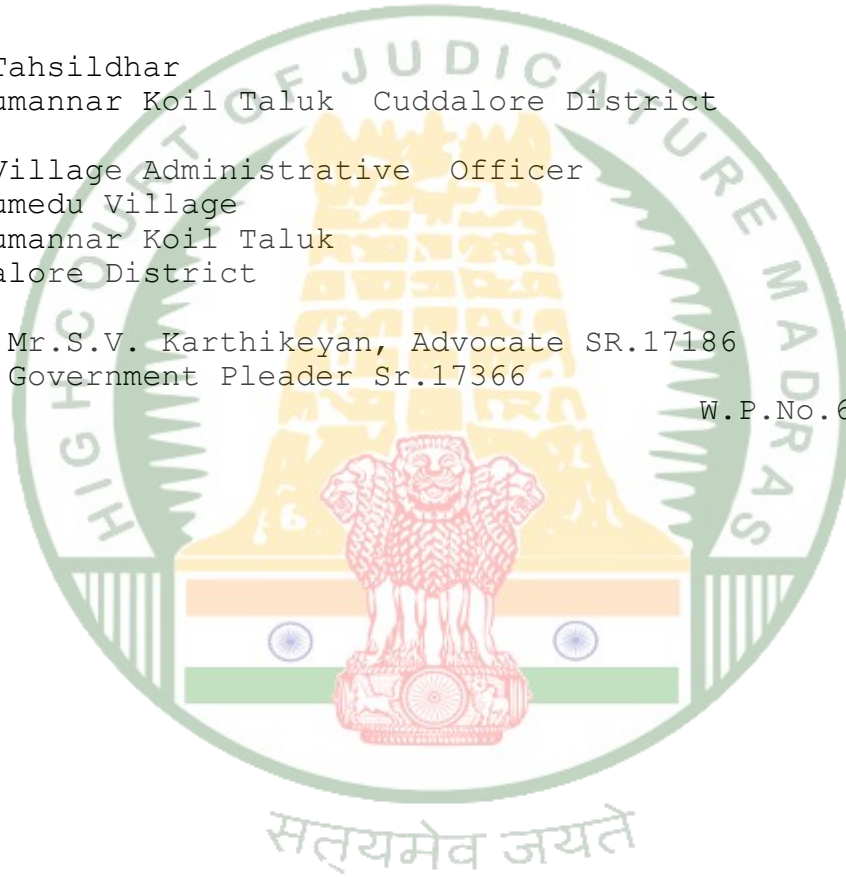
- 3 The Tahsildhar
Kattumannar Koil Taluk Cuddalore District

- 4 The Village Administrative Officer
Kollumedu Village
Kattumannar Koil Taluk
Cuddalore District

- + 1 cc to Mr.S.V. Karthikeyan, Advocate SR.17186
+ 1 cc to Government Pleader Sr.17366

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NMI (CO)
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