



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23648 of 2015 & 14028 of 2016
and

M.P(MD)No.1 of 2015 in W.P(MD)No.23648 of 2015

W.P(MD)No.23648 of 2015 :

SDH Jain Vidyalaya Matriculation
Higher Secondary School,
New Natham Road,
Thiruppalai, Madurai 625 014
Rep.by its Correspondent,
Nilesh S.Sangoye

... Petitioner

Vs.

- 1.The District Collector,
Madurai District.
- 2.The Commissioner of Corporation,
Madurai Corporation, Madurai.
- 3.The Superintendent of Police,
Madurai District.
- 4.The Deputy Superintendent of Police,
Madurai Rural, Madurai.
- 5.The Inspector of Police,
Oomachikulam, Madurai 625 014.
- 6.Chellam

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 5 herein to remove the encroachments made by the sixth respondent herein on the public street namely Bharath Nagar Agathiyer Cross Street, Ward No.25, Madurai Corporation leading to second entrance of the petitioner school and restore the public street for ingress and egress to the students, parents, teachers and the petitioner's school from New Natham Road within a reasonable time.



For Petitioner : M/S.I.Shalini for V.Janakiramulu
For Respondents : Mr.T.S.Md.Mohideen, AGP.
for RR1, 3 to 5
Mr.R.Murali for R2
Mr.S.Ramesh for R6

WEB COPY

W.P(MD)No.14028 of 2016 :

1.C.V.Ponniah

2.G.Muniyasamy

... Petitioner

Vs.

1.The District Collector,
Madurai District, Collector Office building,
Madurai.

2.Revenue Divisional Officer,
Collectorate Office Building, Madurai.

3.The Tahsildar,
Madurai North Taluk,
Madurai District,
Collector Office Building, Madurai.

4.The Block Development Officer,
Madurai West Panchayat Union,
Madurai.

5.The Chief Educational Officer,
Madurai District, Madurai.

6.The Inspector of Matriculation
Schools,
Tallakulam, Madurai - 625 002.

7.The Commissioner,
Madurai Corporation, Madurai.

8.The Chief Engineer,
Public Works Department
/Water Resources Department,
Tallakulam, Madurai Region, Madurai.

9.The Superintending Engineer
(Water Resources),
PWD, Periyar - Vaigai Division,
Tallakulam, Madurai.

10.The Correspondent,
SDH Jain Vidyalaya Matriculation
Secondary School,
New Natham Road, Thiruppalai,
Madurai - 625 014.

... Respondents



Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 3, 8 and 9 to remove all the encroachments made in Kannanenthal Kanmai situate in S.No.132/1 in Thiruppalai II Bit, Siruthur Village (Village No.37), considering the various representations made by members of Bharath Nagar Residents Welfare Association, Thiruppalai on various occasions and the recent representation dated 16.01.2016 and take appropriate action against the 9th respondent within a time bound, as fixed by this Court.

For Petitioner : Mr.S.Ramesh

For Respondents : Mr.T.S.Md.Mohideen, AGP.
for RR1 to 6, 8&9
Mr.N.Shanmuga Selvam for R7
Mr.I.Shalini
for Mr.V.Janakiramulu for R10

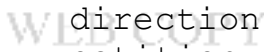
COMMON O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

WP(MD)No.23648 of 2015 has been filed for seeking removal of the encroachments said to have been committed by the sixth respondent herein in Bharath Nagar, Bharath Nagar Agathiyer Cross Street, Ward No.25, Madurai Corporation.

2.WP(MD)No.14028 of 2016 has been filed for removal of the encroachments allegedly made in Kannanenthal Kanmai situate in S.No.132/1 in Thiruppalai II Bit, Siruthur Village.

3.The petitioner in WP(MD)No.23648 of 2015 is the 10th respondent in the other writ petition. There are allegations and counter allegations. It is for the Tahsildar, Madurai North to conduct survey of the lands in question. The Tahsildar, Madurai North is directed to conduct survey within two months from the date of receipt of a copy of this order. The said authority shall issue prior notice to the contesting parties. Based on the outcome of said survey, if any encroachment is in the water channel, the 9th respondent in WP(MD)No.14028 of 2016 is the authority competent to remove the same. As regards the pathway encroachment, the Commissioner, Madurai Corporation, the second respondent in WP(MD)No.23648 of 2015 is the authority competent to remove the same. The said authorities shall take action if encroachment has been committed by any of the parties. The encroachment shall be removed by issuing notice to the concerned



Sd/-
Assistant Registrar (CS-III)

Sub Assistant Registrar

- 1.The District Collector,
Madurai District.
- 2.The Commissioner of Corporation,
Madurai Corporation, Madurai.
- 3.The Superintendent of Police, Madurai District.
- 4.The Deputy Superintendent of Police,
Madurai Rural, Madurai.
- 5.The Inspector of Police, Oomachikulam, Madurai 625 014.
- 6.The Revenue Divisional Officer,
Collectorate Office Building,
Madurai.
- 7.The Tahsildar, Madurai North Taluk,
Madurai District,
Collector Office Building, Madurai.
- 8.The Block Development Officer,
Madurai West Panchayat Union,
Madurai.
- 9.The Chief Educational Officer, Madurai District, Madurai.
- 10.The Inspector of Matriculation Schools, Tallakulam, Madurai
- 11.The Chief Engineer, Public Works Department
Public Works Department, Tallakulam, Madurai Region,
Madurai.



12.The Superintending Engineer (Water Resources),
PWD, Periyar - Vaigai Division, Tallakulam, Madurai.

+2cc to M/S.V.Rahghavachari, Advocate SR.No. 78521, 78522

+1cc to M/S.N.Shanmuga Selvam, Advocate SR.No. 78545

+1cc to M/S.V.Janakiramulu, Advocate SR.No. 78893

+1cc to M/S.R.Murali, Advocate SR.No. 78393

W.P(MD)No.23648 of 2015 &

14028 of 2016

and

M.P(MD)No.1 of 2015

12.09.2017

skm/arul

JM/KP/SAR 4/09.10.2017/5P/18C