



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
SUO MOTU W.P. (MD) No.16565 of 2017

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The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

.. Petitioner

Vs.

1.The Secretary to Government,
Education Department,
Government of Tamil Nadu,
Chennai.

2.The Director of School Education,
Chennai.

3.The District Collector,
Madurai.

4.The District Educational Officer,
Madurai.

5.The Head Master,
Government High School,
Avaniapuram, Madurai District.

6.Kadhar Meeran

7.Santha

8.S.Karthikeyan

9.D.Ashok Kumar,

Legal Heir of Ramaiah Nadar

10.The Tahsildar,
Madurai South, Madurai.

.. Respondents

[R-6 to R-10 are impleaded vide order dated 04.09.2017]

PRAYER: Suo-Motu Writ Petition taken on file under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to take effective and emergent steps to construct compound wall, directing to remove the encroachment made by a third party in the premises and to prevent the anti-social activities in the Government High School, Avaniapuram, Madurai District.



For respondents 1 to 5 & 10 : Mr.M.Govindan
Special Government Pleader
For respondent 8 : Ms.P.Suganthi
For P.Bhasker
For respondents 6,7 & 9 : No Appearance

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O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

This Court directed the Registry to register a *suo motu* Writ Petition, taking into account the news item published in 'The Hindu' on 30 August 2017.

2. This Court, after the appearance of the District Educational Officer, Madurai, passed an order directing survey of the property by the Tahsildar and removal of encroachment. The report submitted by the Tahsildar, Madurai South, dated 05.09.2017, indicates that the Revenue Administration has removed the encroachment caused by four encroachers.

3. The Tahsildar, after removing the encroachment, put the Education Department in possession of the property. The District Educational Officer, Madurai, confirmed the said factual position. The land is now under the possession of the Education Department. There are no encroachers now. In case of any encroachment later, immediate action shall be taken by the District Collector, Madurai, through the Thasildar for summary removal of such encroachment with assistance of police.

4. The learned Special Government Pleader, on instructions from the District Educational Officer, Madurai, submitted that there is a proposal to construct a compound wall running 300 metre length and necessary request would be made to the District Collector through the Chief Educational Officer, Madurai for sanctioning funds.

5. We direct the District Educational Officer, Madurai, to make necessary request for allotment of funds to the District Collector, Madurai forthwith. We direct the District Collector, Madurai, to consider the proposal favourably, on account of the fact that it was only on account of the failure on the part of the administration to construct the compound wall that made the encroachers to encroach upon the Government land.

6. We hope and trust that the District Collector would sanction necessary funds, as expeditiously as possible and in any case, within a period of two months from the date of receipt of a copy of this order, so as to enable the Education Department to construct the compound wall.



7. We express our appreciation of the effort taken by the Hindu by publishing the news item, pursuant to which, this Court has taken cognizance of the matter.

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8. This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary to Government,
Educational Department,
Government of Tamil Nadu, Chennai.
2. The Director of School Education, Chennai.
3. The District Collector, Madurai.
4. The District Educational Officer, Madurai.
5. The Head Master,
Government High School, Avaniapuram, Madurai District.

+1cc to the Special Government Pleader, SR.No. 79864

nb

MAS/SV-MMS/SAR2:27.09.2017:2P-7C

**ORDER MADE IN
W.P. (MD) No. 16565 of 2017
18.09.2017**