



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

WEB COPY

W.P(MD)No.1737 of 2017

and

W.M.P(MD)No.1415 of 2017

V.Lakshmanapillai,
Secretary, V.O.C. Primary School,
Kangukulam, Pillaiyarkovil Post,
Srivilliputhur Taluk, Virudhunagar District. .. Petitioner

Vs.

Junior Engineer,
Public Works Department,
Irrigation Channel - II,
Srivilliputhur, Virudhunagar District. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records pertaining to the impugned order passed by the respondent dated 21.12.2016 and quash the same.

For Petitioner	: Mr.M.Sankar
For Respondent	: Mr.D.Muruganandam, Additional Government Pleader.

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This writ petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the order passed by the respondent on 21.12.2016 and quash the same, by way of issuing a writ of certiorari.

2.Mr.D.Muruganandam, learned Additional Government Pleader, has taken notice for the respondent.

3.The learned counsel appearing for the petitioner has contended that the school mentioned in the notice has been constructed in Survey No.1170 and no encroachments have been made in Survey No.1232/1A, but the respondent has erroneously given the impugned notice and therefore the same is liable to be quashed.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Additional Government Pleader appearing for



the respondent has contended that since there is an encroachment in Survey No.1232/1A, the impugned notice has been issued by the respondent and therefore the relief sought in the writ petition cannot be granted.

5.The specific case of the petitioner is that the school building is situate in Survey No.1170. It is an admitted fact that in the impugned notice Survey No.1232/1A has been mentioned.

6.Considering the rival submissions made on either side, this Court is of the view to direct the respondent to conduct proper survey as indicated below.

7.With the above observation, this writ petition is disposed of. However the respondent is directed to conduct proper survey in accordance with the revenue records in respect of Survey Nos.1170 and 1232/1A and if there is any encroachment in Survey No.1232/1A, the respondent is at liberty to remove the same as contemplated under law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To
The Junior Engineer,
Public Works Department,
Irrigation Channel - II,
Srivilliputhur, Virudhunagar District.

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No. 6018/17.

SMN

PSM/PN/10.02.2017/2P/3C

ORDER MADE IN
W.P(MD)No.1737 of 2017
and
W.M.P(MD)No.1415 of 2017
02.02.2017