



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No. 7991 of 2017

and

W.M.P (MD) No. 6179 & 6180 of 2017

WEB COPY

E.Thavasi

... Petitioner

Vs.

- 1.The District Collector,
Collector Office,
Thoothukudi District.
- 2.The Superintendant of Police,
Thoothukudi District - 628 101.
- 3.The District Revenue Officer,
Collector Office,
Thoothukudi District.
- 4.The Chief Educational Officer,
Thoothukudi District - 628 001.
- 5.The District Educational Officer,
Kovilpatty,
Thoothukudi District-628 501.
- 6.The District Registrar,
Thoothukudi,
Thoothukudi District.
- 7.The Thasildar, Thasildar Office,
Vilathikulam,
Vilathikulam Taluk - 628 907.
- 8.The Inspector of Police,
Pudur Police Station,
Thoothukudi District - 628 905.
- 9.The Executive Officer,
Pudur Town Panchayat,
Vilathikulam Taluk,
Thoothukudi District.
- 10.Pudur Therku Muthiyapuram Kulakottankurichy Nadar
Oravinmurai Kalvi Sangam, rep.by its President,
S.Sakthivel.

... 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 and 6 to 8 to remove the encroachment made by the 10th respondent in the water body namely varathukkal odai in Survey No.22 to the extent of 2 acres, Pudukulam Kanmai to the extent of 14 cents and village communal prosperity (pathways) in Survey No.21-1B, Patta No.374 to the extent ½ cents, 22 feet pathway in Survey No.21-1A, 15 feet pathway at Kolakkottankurichi Village, Pudur Sub Registration Office, Vilathikulam Taluk, Thoothukudi District and consequently direct the respondents 4, 5 and 10 to allow the school children to play in the authorized play ground situated in 41-1, 41-2, 41-3 Patta No.2506 to the extent of 4 acres 86 cents.

For Petitioner : Mr.R.Rajaraman

For Respondents : Mr.T.S.Md.Mohideen,
Additional Government Pleader.

For Respondents R10:Mr.J.Barathan for Mr.T.R.Jeyapalam

For Respondents R9 :Mr.Prithiviraj for Mr.C.Selvaraj

O R D E R

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

The writ petitioner seeks removal of the encroachment allegedly made by the 10th respondent in the communal properties mentioned in the writ petition. He also sought a direction that the school children studying in the 10th respondent school should be allowed to play in Survey Nos.41/1, 41/2, 41/3 in Kolakkottankurichi Village.

2.Prayer in the writ petition was strongly contested by the 10th respondent, who filed a detailed counter affidavit and also a typed set of papers. It is seen that there is a civil dispute between the 10th respondent herein and the the local villagers. Ultimately the issue boiled down to whether the 10th respondent would maintain the land in Survey Nos.41/1, 41/2, 41/3 in the said village as a play ground.

3.Today, the 10th respondent filed an affidavit stating that the properties in Survey Nos.21/1, 21/8, 41/1, 41/2, 41/3 would be used only as a play ground for the children studying in Hindu Nadar High School, Pudur and that they would not be used for any other purposes. The 10th respondent has already filed a counter affidavit stating that they had not committed any encroachment in Survey No.22 or any other water body. The 10th respondent has no objection to remove any such encroachment committed by anybody. The affidavit dated 23.08.2017 filed by the 10th respondent is placed on record.



4. Recording the said affidavit of the 10th respondent, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector, Collector Office, Thoothukudi District.
2. The Superintendent of Police, Thoothukudi District - 628 101.
3. The District Revenue Officer, Collector Office, Thoothukudi District.
4. The Chief Educational Officer, Thoothukudi District - 628 001.
5. The District Educational Officer, Kovilpatty, Thoothukudi District-628 501.
6. The District Registrar, Thoothukudi, Thoothukudi District.
7. The Thasildar, Thasildar Office, Vilathikulam, Vilathikulam Taluk - 628 907.
8. The Inspector of Police, Pudur Police Station, Thoothukudi District - 628 905.
9. The Executive Officer, Pudur Town Panchayat, Vilathikulam Taluk, Thoothukudi District.

+1cc to M/S.T.R.JEYAPALAM, Advocate SR.No.74408

+1cc to M/S.R.RAJARAMAN, Advocate SR.No.74146

+1cc to Special Government Pleader, SR.No. 74689

SKN/ARUL

MAS/MR-KKR/SAR1:07.09.2017:3P-13C



WEB COPY

23.08.2017