



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No.22494 of 2018

P.Megarajan

.. Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Executive Officer,
Mudukulathur Town Panchayat,
Mudukulathur,
Ramanathapuram District.
3. The Tahsildar,
Mudukulathur Taluk,
Mudukulathur,
Ramanathapuram District.
4. M.Seeni Mohamed
Correspondent,
Pallivasal Higher Secondary School,
Mudukulathur,
Ramanathapuram District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 and 3 to remove the encroachment made by the 4th respondent in the Saravana Poigai Oorani comprised in Survey No.346/4 situated at Mel Mudukulathur Group, Mudukulathur Taluk, Ramanathapuram District and to close the same for the interest of public at large based on the order passed by the 1st respondent in his proceedings Na.Ka.P3/28255/2018 dated 27.07.2018.

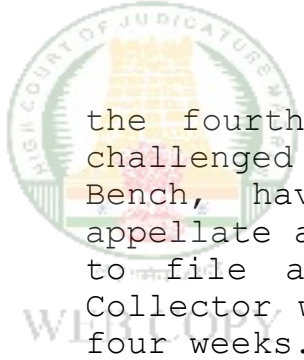
For Petitioner	: Mr.S.Ramu
For R1 & R3	: Mr.N.Shanmugaselvam Additional Government Pleader
For R2	: Mr.N.Dilipkumar
For R4	: Mr.C.Prithviraj

O R D E R

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

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

The second respondent passed an order of eviction directing



the fourth respondent to remove the encroachment. The order was challenged before this Court in WP(MD)No.14309 of 2018. The Division Bench, having found that the order is appealable before the appellate authority, granted two weeks time to the fourth respondent to file an appeal before the District Collector. The District Collector was directed to dispose of the appeal within a period of four weeks.

2.Since the fourth respondent failed to file statutory appeal within the cut off period, the local body approached the District Collector. The District Collector issued notice to the fourth respondent.

3.The petitioner has come up with this writ petition to direct the respondents 2 and 3 to remove the encroachment.

4.The learned counsel for the fourth respondent, by producing a copy of the notice of enquiry dated 03.09.2018 submitted that the appeal is pending before the District Collector.

5.The notice of enquiry issued by the Collector pertains to a direction to the fourth respondent to appear before the first respondent with relevant documents. Admittedly, no appeal was filed by the fourth respondent within the time granted by this Court. The fourth respondent even after constructing a compound wall by encroaching on a water body, stick to his stand by not even filing an appeal before the appellate authority. In view of the failure on the part of the fourth respondent to file an appeal, the second respondent would get a right to execute his earlier order of eviction dated 28 June, 2018. It is open to the second respondent to take police help, in case, the same is necessary for enforcing the order of eviction.

6.The fourth respondent is conducting a Higher Secondary School. We direct the Chief Educational Officer, Ramanathapuram District to inspect the institution in question and take action, in case it is found that the school has no basic facilities. This direction is given in view of the submission made on behalf of the fourth respondent that a toilet is constructed on the water body and abutting the compound wall.

7.The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar (CS-III)



To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Tahsildar,
Mudukulathur Taluk,
Mudukulathur,
Ramanathapuram District.

Copy To :-

The Chief Educational Officer,
Ramanathapuram District.

+ 1 CC TO Mr.N.DILIP KUMAR, ADVOCATE IN SR No. 96417
+ 1 CC TO Mr.S.RAMU, ADVOCATE IN SR No. 96885
+ 1 CC TO Mr.C.PRITHVIRAJ, ADVOCATE IN SR No. 96502

MJ

TE/SV/SAR-3 : 21/12/2018 : 3P/7C

W.P. (MD) No.22494 of 2018
22.11.2018