



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2019

CORAM:

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**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P(MD)NO.10303 OF 2019

and

W.M.P(MD)No.7938 of 2019

S.Muthusamy

:Petitioner

.vs.

1.The District Collector,
Thoothukudi,
Thoothukudi District.

2.The Tahsildar,
Ottapidaram Taluka,
Thoothukudi District.

3.The Secretary,
S.Kailasapuram Panchayat,
Ottapidaram Taluk,
Thoothukudi District.

4.D.Immanuel Pondurai,
represented through Chairman,
S.Kailasapuram Pastorate,
Nazareth Diocese,
Thoothukudi District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent in Government Poramboke land and constructing a private school and restore the same for public purpose in S.No.367/1 and 367/18, totan extent of 11.89 cents respectively in Kombadi Thalavaipuram Village, S.Kailasapuram, Ottapidaram Taluk, Thoothukudi District by considering the Petitioner's representation, dated 9.4.2019 within the time frame fixed by this Court.

For Petitioner

:Mr.T.Chandrasekaran

For Respondents

:Mr.Aayiram K.Selvakumar

<https://hcservices.ecourts.gov.in/hcservices> 1 and 2

Addl. Govt.Pleader

For Respondent-3

:Mr.M.Karuppasamy

For Respondent-4

:Mr.T.A.Ebenezer

**O R D E R***********

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

Heard Mr.T.Chandrasekaran, learned counsel appearing for the Petitioner, Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents 1 and 2, Mr.M.Karuppasamy, learned counsel appearing for the third respondent and Mr.T.A.Ebenezer, learned counsel appearing for the fourth respondent and perused the materials placed before this Court.

2.The prayer in the Writ Petition is to issue a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent in Government Poramboke land and constructing a private school and restore the same for public purpose in S.No.367/1 and 367/18, total extent of 11.89 cents respectively in Kombadi Thalavaipuram Village, S.Kailasapuram, Ottapidaram Taluk, Thoothukudi District by considering the Petitioner's representation, dated 9.4.2019.

3.It is the case of the Petitioner that the land referred supra is classified as ''Poramboke land'' in the revenue records and the fourth respondent has encroached upon the poramboke land and without any permission constructing a new building. Since no appropriate action was taken on the representation of the Petitioner, the Petitioner has filed this Writ Petition.

4.Mr.T.Chandrasekaran, learned counsel for the Petitioner would submit that it would suffice if a direction is issued to the second respondent to consider the representation of the petitioner..

5.Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the fourth respondent had put up a construction without any planning permission.

6.It is the contention of the fourth respondent that the school building is in existence since 1927. Since it was in dilapidated condition, the same was removed and the fourth respondent is putting up a new construction. According to the learned counsel, the Petitioner is an encroacher of the Government Poramboke land.

7.Therefore, this Court, without going into allegations and counter allegations made by the Petitioner and fourth respondent, disposes of this Writ Petition directing the second respondent to look into the representation of the Petitioner, dated 9.4.2019 and take appropriate action purely on merits and in accordance with law, after providing opportunity to all the parties concerned, within a period of 12 weeks from the date of receipt of a copy of this order.



8. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (AD I)

Sub Assistant Registrar (CS)

To

1. The District Collector,
Thoothukudi,
Thoothukudi District.
2. The Tahsildar,
Ottapidaram Taluka,
Thoothukudi District.
3. The Secretary,
S. Kailasapuram Panchayat,
Ottapidaram Taluk,
Thoothukudi District.

+1cc to Mr. F. DEEPAK, Advocate, SR.No. 64236
+1cc to Mr. T. A. Ebenezer, Advocate, SR.No. 63832
+1cc to M/s. Special Government Pleader, SR.No. 64983

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