



WEB COPY

W.P.(MD)No.20941 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE THARANI

W.P. (MD)No.20941 of 2019

and

W.M.P. (MD)No.17514 of 2019

P.R.M.Thajudeen

... Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Tahsildar,
Ilayangudi Taluk,
Sivagangai District.

..Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to forbear the respondents and their officials from encroaching into the play ground of the Hameedhiya School in S.No.40/5 and 40/6 at Salaiyoor, Ilayangudi Taluk Except in the manner know to law.

For Petitioner	: Mrs.Porkodi Karnan for M/s.Polax Legal Solutions
For Respondents	: Mr.S.Angappan Government Advocate

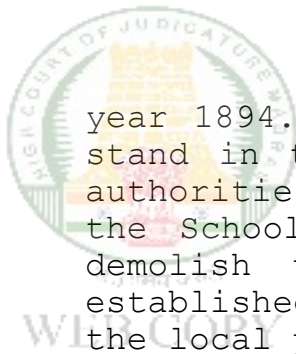
ORDER

[Order of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mrs.Porkodi Karnan, learned counsel for the petitioner and Mr.S.Angappan, learned Government Advocate, for the respondents. By consent on either side, this writ petition is taken up for final disposal.

2. The petitioner is the president of a Jamath, who is stated to be running a School under the name and style of Hameedhiya Primary and Higher Secondary School in survey No.40/5, 40/6, Salaiyoor, Ilayangudi, Sivagangai District.

3. The learned counsel for the petitioner submitted that there are documents to show that the title to the property vests with the Jamath and the document is an ancestral document of the



year 1894. Further, it is submitted that the revenue records also stand in the name of the Jamath and all of a sudden the revenue authorities under the control of the second respondent have come to the School premises and threatened the petitioner to evict and demolish the building. It is submitted that the School was established about 100 years ago and it is serving for the needs of the local public.

4. Oral instruction given to the learned Government Advocate from the Officer of the second respondent is that the revenue entry in favour of the petitioner Jamath is wrong and the matter requires to be investigated as to how the entry was made in the name of the petitioner Jamath.

5. Admittedly, the school has been functioning for a quiet long period of years and in the representation given by the petitioner, it is stated that the School was started in the year 1935. Therefore, the respondent cannot dispute the said fact that the institution has been running for several years. Thus, as long as the revenue entry stands in the name of the petitioner Jamath, the respondents cannot take any high handed act and they are restrained from taking any high handed act against the petitioner Jamath.

6. With the above observation, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-
Assistant Registrar(Crl. Side)

/TRUE COPY/

Sub Assistant Registrar

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To

- 1.The District Collector,
Sivagangai District.
- 2.The Tahsildar,
Ilayangudi Taluk,
Sivagangai District.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-90347[F] dated 30/09/2019)

+1 CC to M/s.SPL GP (SR-90529[F] dated 30/09/2019)

ORDER MADE IN
W.P. (MD) No.20941 of 2019
27.09.2019