



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.7768 of 2020

Kural Mozhi Nambi

... Petitioner

Vs

1.The District Collector,
Cuddalore District,
Cuddalore.

2.The Block Development Officer,
Thitakudi Taluk, Cuddalore District,
Cuddalore.

3.The Thasildar,
Thitakudi Taluk, Cuddalore District,
Cuddalore.

4.Raja

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to demolish the encroachment made by the fourth respondent in Kozhiliyur Village Government Union Panchayat Middle School allotted area pursuant to the representation of the petitioner dated 18.05.2020.

For Petitioner .. Mr.K.Thenrajan

For Respondents .. Mr.R.Vijaya Kumar,
Additional Government Pleader

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

This writ petition has been filed by the petitioner inter alia alleging that the fourth respondent has encroached the public property.



2. Upon hearing the learned counsel for the petitioner and on going into the averments made in the affidavit, by order dated 27.05.2020, this Court has called for report from the respondents 2 and 3. Accordingly, the Sub Collector, Virudhachalam, has filed a Report. The following is the relevant passage in the report.

"4. .It is submitted that on receipt of direction from this Hon'ble Court, the Tahsildar, Tittagudi was directed to inspect the area and to submit a report and he inspected the area and submitted a report on 06.08.2020 and further report submitted on 05.09.2020. In his reports, the Tahsildar, Tittagudi, has stated as follows:-

".....
"It is also stated that proper compound wall has been constructed around the school and no encroachment has been made in the School area. The temple already existed in Survey No.175/7 of Kozhiyur Village was in dilapidated stage and hence some village people have started to repair the temple and no encroachment has been made in the School area. The temple is situated in Survey No.175/7 and there is no hindrance to free movement of transport as well as general public."

5. It is submitted that the above said reports were duly received by me and it was clear that the School has been constructed in Survey No.175/8 and there is no encroachment in the said survey number as alleged by the petitioner. Further, a temple constructed many decades ago in Survey No.175/7 has been now renovated by the village people without causing any hindrance to the general public. The allegation of the petitioner that there is encroachment in Survey No.175/8 is totally false and it is submitted that proper compound wall has been constructed around the school.



3. In view of the same, we find that no encroachment is found to have been made by the fourth respondent. Accordingly, the writ petition stands closed.

WEB COPY

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Cuddalore District,
Cuddalore.
- 2.The Block Development Officer,
Thitakudi Taluk,
Cuddalore District,
Cuddalore.
- 3.The Thasildar,
Thitakudi Taluk,
Cuddalore District,
Cuddalore.

W.P.No.7768 of 2020

rsv[col
srg 05/11/2020