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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD) No.6944 of 2020

and

W.M.P.(MD) No.6372 of 2020

The Parent Teachers Association
Government Higher Secondary School
Ettupattarai Kootamaippu & Public
Vadugapatti, Periyakulam Taluk
Theni District 625 603
Rep. By its President
R.Vaigundam ... Petitioner

-vs-

1.The District Collector
Theni District

2.The Revenue Divisional Officer
Periyakulam
Theni District

3.The Tahsildar
Periyakulam Taluk
Theni District

4.The Executive Officer
Selection Grade Town Panchayat
Vadugapatty
Periyakulam Taluk
Theni District

5.The Chief Educational Officer
Theni District

6.The District Educational Officer
Theni District

7.The Superintendent of Police
Theni District

8.The Inspector of Police
Thenkarai Police Station
Periyakulam
Theni District

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9.The Head Master
Government Higher Secondary School
Vadugapatti
Periyakulam Taluk
Theni District ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of writ of mandamus directing the respondents herein to remove all kinds of encroachment of 9th respondent's school property measuring 5.86 acres situated in Survey No.1134, Melmangalam Village Bit-I, Vadugapatti, Periyakulam, Theni District, covered by Patta No.6449 standing in the name of His Excellency, the Governor of Tamil Nadu, in a phased manner.

For Petitioner : Mr.M.Natarajan
For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

When the matter was taken up for hearing, Mr.V.R.Shanmuganathan, learned Special Government Pleader, produced a copy of the proceedings in Na.Ka.No.1284/2018/Aa1, dated 28.06.2020, issued by the Tahsildar, Periyakulam (third respondent), wherein the measurements have been taken and the encroachments have also been identified. Thus, it is apparent to us that there are encroachments in the land of a Government School, which caters to the needs of the poor children in the village.

2. In such view of the matter, we direct the respondents Nos.3 and 4, namely, the Tahsildar, Periyakulam Taluk and the Executive Officer, Vadugapatty Town Panchayat, to take immediate steps in tandem to remove all the encroachments in the school land and restore the possession of the land for the benefit of the school children, within a period of eight weeks from the date of receipt of a copy of this order. The Inspector of Police, Thenkarai Police Station (eighth respondent) is directed to provide sufficient bundobust for the removal of the encroachment drive.

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3. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

krk / sml

To:

1.The District Collector,
Theni District.

2.The Revenue Divisional Officer,
Periyakulam, Theni District.

3.The Tahsildar,
Periyakulam Taluk, Theni District.

4.The Executive Officer
Selection Grade Town Panchayat
Vadugapatty
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Theni District

5.The Chief Educational Officer
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7.The Superintendent of Police
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Theni District

9.The Head Master
Government Higher Secondary School
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W.P.(MD) No.6944 of 2020
and
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KM (16.07.2020) 9P 10C

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