



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.11.2021

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.P. No.23044 of 2021
and WMP.Nos.24235 and 24238 of 2021

St. Anthony's Matriculation Higher Secondary School,
Rep. by the Correspondent,
Mr.Vincent Arockiaraj,
Arasaladi Street, Thiruvarur Road,
Thiruthuraipoondi Taluk,
Thiruvarur District.

.. Petitioner

Versus

- 1.The District Collector,
Office of the Collectorate,
Thiruvarur District.
- 2.The Revenue Divisional Officer,
Thiruthuraipoondi Taluk,
Thiruvarur District.
- 3.The Tahsildar,
Thiruthuraipoondi Taluk,
Thiruvarur District.
- 4.The Superintendent of Police,
Thiruthuraipoondi Range,
Thiruvarur District.
- 5.The Deputy Superintendent of Police,
Thiruthuraipoondi Range,
Thiruvarur District.
- 6.Kalaimani
- 7.P.Mathi

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India seeking to issue a Writ of Certiorarified
Mandamus, calling for the records in Na.Ka.780/2019/Aa4, dated



01.10.2020 issued by the third respondent under Section 6 of the Tamil Nadu Land Encroachment Act to remove the encroachment of Arasaladi Street, Land Survey No.71, Ward-2, Block-6, made by the respondents 6 & 7 and others and to initiate appropriate legal action against them and consequently forbearing the respondents 6 & 7 and others from unlawfully interfering or in any manner prohibiting the School students, parents, vehicles and school vehicles from using the 30 feet Arasaladi Street.

For petitioner : Mr.Vimal B. Crimson

For respondents
for RR1 to 5 : Mr.L.S.M.Hasan Fizal, AGP

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

The Writ Petition is heard through video conferencing.

2. This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records in Na.Ka.780/2019/Aa4, dated 01.10.2020 and consequently, forbearing the respondents 6 & 7 and others from unlawfully interfering or in any manner prohibiting the school students, parents, vehicles and school vehicles from using 30 feet Arasaladi Street.

3. The petitioner would state that the petitioner School is rendering educational services for the past 25 years. The present strength of students is almost 2000 including boys and girls. It is the further case of the petitioner that the School is situated in a patta land having an extent of 7 acres, and a road at the width of 30 feet is formed from Thiruvarur Main Road. Apart from the staffs and students of the petitioner School, it is being used by the Villagers for several decades.

4. The petitioner would state that in the year 1979, Adi-dravidar Welfare Department, allotted 16 plots consisting of 3 cents to 16 Adi-dravidar families, on the Northern side of the said 30 feet Arasaladi Street. Though originally, constructions were made in the allotted area, but subsequently, they encroached upon 30 feet Arasaladi Street, resultantly it is now reduced to 10 feet.



5. The learned counsel appearing for the petitioner Mr.Vimal B. Crimson would state that the petitioner in W.P.No.13016 of 2018 sought for protection to the school students and for removal of encroachments in the said 30 feet public road. Even though the Writ Petition was disposed of on 07.01.2020, directing the official respondents to remove the encroachments, the order under Section 6 of the Tamil Nadu Land Encroachment Act came to be passed only on 01.10.2020. Even then, the official respondents failed to implement the order.

6. It is also stated that the encroachers are obstructing and causing threats to the students as well as staffs of the school at the time of using the road. It is further submitted that except the respondents 6 and 7, other encroachers have not preferred any appeal over the order passed under Section 6 of the Act and the appeal preferred by the private respondents 6 and 7 were dismissed by the appellate authority.

7. Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader appearing for the respondents 1 to 5 on instruction from the Sub Inspector of Police, Thiruthuraipoondi Police Station, who is present, would state that there are encroachments in 30 feet road, however they have not been removed so far and the Police is giving protection to the vehicles used by the management for bringing the students.

8. Considering the grievance expressed by the petitioner and also the submissions of the learned counsels appearing on either side, this Court without expressing any opinion on the merits of the matter, directs the third respondent to remove the encroachments as per the order passed under Section 6 of the Act, after ascertaining the fact that no statutory appeal is pending. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. The fourth respondent/the Superintendent of Police shall provide necessary assistance at the time of removal of the encroachments and thereafter, as and when required.

9. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar



1.The District Collector,
Office of the Collectorate,
Thiruvarur District.

2.The Revenue Divisional Officer,
Thiruthuraipoondi Taluk,
Thiruvarur District.

3.The Tahsildar,
Thiruthuraipoondi Taluk,
Thiruvarur District.

4.The Superintendent of Police,
Thiruthuraipoondi Range,
Thiruvarur District.

5.The Deputy Superintendent of Police,
Thiruthuraipoondi Range,
Thiruvarur District.

+1cc to Mr.Vimal B.Crimson, Advocate Sr No.58763

W.P. No.23044 of 2021

MG (CO)
PR (24/11/2021)