



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.06.2021

CORAM :

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE T.S.SIVAGNANAM**

**W.P. (MD) No.10554 of 2021
and
W.M.P (MD) .No.8217 of 2021**

K.Mohamed Rajabutheen

.. Petitioner

Vs

1.The District Collector,
Collectorate,
Pudukottai District,
Pudukottai.

2.The Executive Engineer,
O/o., the Executive Engineer,
Building Construction and Maintenance Division,
Public Works Department,
Pudukottai Post and District.

3.The Chief Educational Officer,
O/o, the Chief Educational Officer,
Pudukottai Post and District.

4.The Block Development Officer (Village Panchayats),
O/o the Manamelkudi Panchayat Union,
Manamelkudi Post and Taluk,
Pudukottai District.

5.Sharif Abdullah

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, to direct the respondents 1 to 4 to conduct an enquiry and to take appropriate actions against the 5th respondent under the Tamil nadu Public Building (Licensing) Act, 1965 for illegally demolished the Public Buildings in Kottaipattinam Village, Manamelkudi Taluk, Pudukottai District and to recover the damages from 5th Respondent and to take steps to construct Kottaipattinam Government Higher Secondary School Building within a stipulated time as may be fixed by this Court.



For Petitioner : Mr.M.Saravanakumar
For Respondents 1-3 : Mr.A.K.Manickam,
Standing Counsel.
For 4th Respondent : Mr.R.Ragavendiran,
Standing Counsel.

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ORDER

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

This Writ Petition, styled as a Public Interest Litigation seeks for a direction upon the respondents 1 to 4 to conduct an enquiry and take appropriate action against the fifth respondent, who claims himself to be a President of Parent Teacher Association of Government Higher Secondary School, Kottaipattinam, Pudukkottai District. The allegation made by the petitioner is that the fifth respondent has illegally demolished the school building and in this regard, complaints have been given and authorities are yet to take any action.

2.Mr.A.K.Manickam, learned Government Counsel accepting notice on behalf of respondents 1 to 4, on instructions would submit that the third respondent, namely the Chief Educational Officer, Pudukkottai District had already issued instructions to the District Educational Officer, who has caused an inspection and enquiry is going on.

3.As we are disposing of this writ petition without notice to the fifth respondent, we direct the third respondent to ensure that the enquiry is completed expeditiously and remedial measures be taken if the allegation made by the petitioner is found to be true. This direction be complied with within a period of three [3] weeks from the date of receipt of a copy of this order. Needless to state that the fifth respondent should be afforded an opportunity of hearing before action is being taken.

4.It is alleged that the fifth respondent has not only demolished the school building but also a public building and in this regard, a complaint has been lodged and the Block Development Officer has also initiated action. Therefore, not only the educational authorities should take appropriate action and conduct an enquiry, the Block Development Officer shall also enquire into the matter.

5.Accordingly, the Writ Petition stands disposed of. However,

<https://hcservices.ecourts.gov.in/hcservices/>



there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

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/ /2021

Sub Assistant Registrar(CS)

MR

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.*

To

- 1.The District Collector,
Collectorate,
Pudukottai District,
Pudukottai.
- 2.The Executive Engineer,
O/o., the Executive Engineer,
Building Construction and Maintenance Division,
Public Works Department,
Pudukottai Post and District.
- 3.The Chief Educational Officer,
O/o, the Chief Educational Officer,
Pudukottai Post and District.
- 4.The Block Development Officer (Village Panchayats),
O/o the Manamelkudi Panchayat Union,
Manamelkudi Post and Taluk,
Pudukottai District.

+1 CC to M/s.M.SARAVANAKUMAR, Advocate (SR-20284[F] dated 25/06/2021)

+1 CC to M/s.SPL GP (SR-20309[F] dated 25/06/2021)

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