



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2022

CORAM :

THE HON'BLE MR.JUSTICE M.DURAISWAMY
AND

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

W.P.No.9227 of 2022
and
W.M.P.Nos.8984 & 8985 of 2022

The Secretary & Correspondent of the
Educational Agency,
Mustafa Matriculation Higher Secondary School,
Boothakeni, Pallipadai,
Chidambaram,
Rep. By Mr.S.M.M.Anwar Ali,
S/o. Mohammed Musthafa

..Petitioner

v.

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Chidambaram,
Cuddalore District.
3. The Tahsildar,
Chidambaram, Taluk,
Cuddalore District.
4. The President,
Pallipadai Panchayat,
Parangipet Union,
Chidambaram, Taluk,
Cuddalore District.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records relating to the impugned notice issued by the 4th respondent in No.Nil, dated 04.03.2022 and the subsequent impugned notice issued by the 4th respondent in Na.Ka.No.Aa3/2158/2021, dated 04.04.2022 and to quash the same.



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For Petitioner : Mr.G. Sankaran

For Respondents: Mr. J. Ravindran, AAG
Assisted by A.Selvendran, Spl. G.P.

O R D E R

(Order of the Court made by M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorari to call for the records relating to the impugned notice issued by the 4th respondent dated 04.03.2022 and the subsequent impugned notice issued by the 4th respondent dated 04.04.2022 and to quash the same.

2. Mr. G. Sankaran, learned counsel appearing for the petitioner submitted that the petitioner is running a school in Survey No.78/2, Pallipadai Village, Chidambaram Taluk, Cuddalore District, which is presently classified as Survey No.221/11, for several years and that 1250 students are studying in the said school. The learned counsel further submitted that the land in question was classified as natham land as per UDR Register. Further, it is brought to the notice of this court that since the authorities tried to dispossess the petitioner's school, they have also filed a Civil Suit in O.S.No.169 of 2021 against the respondents 1 to 3 for permanent injunction in respect of the land in Survey No.78/1A and the same is pending.

3. It is also the contention of the learned counsel for the petitioner that in the recent Adangal Register under Natham Settlement Scheme, it has been wrongly mentioned as Kuttai Poromboke, hence, the authorities have no right to dispossess petitioner's school from the land in question. Further, the learned counsel submitted that the respondents conducted the survey in the absence of the petitioner, hence, the survey should be conducted in the presence of the petitioner's school authorities.

4. Mr.J.Ravindran, learned Additional Advocate General, appearing for the respondents submitted that the land in Survey No.221/11 has been classified as Kuttai Poromboke in the Settlement Scheme, hence, the encroachment made by the petitioner's school in the water body is liable to be removed. The learned Additional Advocate General further submitted that since the petitioner is contending that no opportunity was given to them at the time of survey, the authorities would conduct survey of the land in the presence of the petitioner again. The learned Additional Advocate General further submitted that the competent authority would conduct survey of the land on 18.04.2022 in the presence of the petitioner and in the case of competent authority finding that the land in



Survey No.221/11, is water body, the same would be removed.

5. It is needless to say that the petitioner's school are at liberty to produce all the relevant documents to establish that the land in question is natham land. In the case of competent authority finding that the land in question is water body, the respondents are at liberty to remove the encroachment made by the petitioner's school.

With the above observations, the Writ Petition is disposed of No costs. Consequently, the connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar(CS VI)

//True Copy//

Rj Sub-Assistant Registrar

To

1. The District Collector,
Cuddalore District,
Cuddalore.
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O/o. Of the Revenue Divisional Office,
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3. The Tahsildar,
Chidambaram, Taluk,
Cuddalore District.
4. The President,
Pallipadai Panchayat,
Parangipet Union,
Chidambaram, Taluk,
Cuddalore District.

+1cc to Mr.G,Sankaran, Advocate, S.R.No.25396

+1cc to the Government Pleader, S.R.No.25302

+1cc to the Government Pleader, S.R.No.25494

[09/06/2022]

W.P. No.9227 of 2022

and

W.M.P.Nos.8984 & 8985 of 2022

BP (CO)

KKV/13/04/2022