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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Special Original Jurisdiction

Thursday, the Eighteenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR
AND
The Hon`ble Mr.Justice R.VIJAYAKUMAR

WP(MD). No.13402 of 2009

St.Thomas Matric.Hr.Sec. School
Rep. by it's Correspondent
M. Justin Prakash
Naidupuram,
Kodaikanal.
Dindigul District - 624 101.

... Petitioner

Vs

1. The Secretary,
Department of Municipal Administration
and Water Supply,
Secretariat,
Fort. St. George,
Chennai-9.
2. The Commissioner of Municipal Administration
O/o. Commissioner of Municipal Administration,
Ezhilagam Annex,
Chepauk,
Chennai.
3. The District Collector,
District Collector Building,
Dindigul.



4. The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

5. Malarkodai,

... Respondents

Prayer :-

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents No. 1 to 4 to stop the unauthorised construction by the respondent No. 5 over the southern side of the petitioner's school premises situated at Ward C, Block No. 4, T.S.No. 67, Naidupuram, Kodaikanal, Dindigul District.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.Rajasekar, Advocate for M/s.T.Lajapathi Roy and Associates for the petitioner and of Mr.N.Satheesh Kumar, Additional Government Pleader for respondents No. 1 to 3, Mr. S.Kadarkarai, Advocate for respondent No. 4 and M/s.Jasima Yasmin, Advocate for M/s.Amjal Associates for respondent No. 5, Court made the following order:



[Order of the Court was made by D.KRISHNAKUMAR, J.]

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Pursuant to the order of this Court dated 02.01.2024, the Tahsildar, Kodaikanal has filed status report before this Court by stating that as per the directions of this Court dated 05.10.2023, necessary action has been taken for removal of the encroachment.

2.It is brought to our notice by the learned Special Government Pleader appearing for the respondents 1 to 3 that one of the encroachers filed Writ Petition in W.P.(MD)No.55 of 2024 before this Court and this Court, vide order dated 03.01.2024, dismissed the Writ Petition with liberty to the petitioner / one of the encroacher to prefer an appeal before the District Collector, Dindigul within a period of two weeks and further, directed the official respondents to maintain status quo prevailing as on date till such time. He further submitted that one Chittaranjan and seven other encroachers also filed Writ Petitions in W.P.(MD)Nos.308 to 315 of 2024, wherein also this Court passed the similar order passed in W.P.(MD)No.55 of 2024 and directed the District Collector, Dindigul to dispose of the appeals to be filed by the encroachers within a stipulated time. The encroachers have also filed appeal before the District Collector, Dindigul and the same are pending for consideration.



3. That being so, no further order is required in the present Writ Petition. The petitioner is at liberty to make objections if any, in the appeals filed by the encroachers before the appellate authority. We make it clear that since this Court in the aforesaid Writ Petitions directed the appellate authority to dispose of the appeals to be filed by the encroachers within a stipulated time, the appellate authority shall strictly comply with the directions issued by this Court in the aforesaid Writ Petitions.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/01/2024

Sub Assistant Registrar
(CS- I/ II / III / IV)

TO

1. The Secretary,
Department of Municipal Administration
and Water Supply,
Secretariat,
Fort. St. George,
Chennai-9.
2. The Commissioner of Municipal Administration
O/o. Commissioner of Municipal Administration,
Ezhilagam Annex,
Chepauk,
Chennai.



3. The District Collector,
District Collector Building,
Dindigul.

4. The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

5. The Special Govt. Pleader,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr. S. Rajasekar, Advocate, SR No. 1656

+1CC to M/s. Ajmal Associates, SR No. 1755

ORDER DATED : 18/01/2024

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ORDER
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WP(MD). No.13402 of 2009

Giving direction and etc.
as stated within.