



W.P(MD)No.5066 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5066 of 2023

and

W.M.P(MD) No.4757 of 2023

The Correspondent
Rev.Dr.P.Bosco Gunaseelan,
Veeramamunivar R.C. Hr. Sec. School,
Keelpuliyur Road,
Puliyur Village,
Tenkasi,
Tenkasi District.

... Petitioner

Vs.

- 1.The District Collector
O/o.Collectorate,
Tenkasi.
- 2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Tenkasi.
- 3.The Tahsildar
O/o.The Tahsildar,
Tenkasi.



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4.The Superintendent of Police
O/o.The Superintendent of Police,
Tenkasi.

5.The Commissioner
Tenkasi Municipality,
Tenkasi.

6.The Inspector of Police
Tenkasi Police Station,
Tenkasi.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 09.02.2023 and restraining the fifth respondent in anyway constructing the building in the name of Anganvadi building in TS No.D/12-6 of Tenkasi.

For Petitioner : Mr.S.Ramsundarvijayraj

For Respondents : Mr.N.Muthu Vijayan - for R1 to R3

Special Government Pleader

Mr.R.M.S.Sethuraman - for R4 & R6

Additional Public Prosecutor

Mr.P.Athimoola Pandian - for R5



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ORDER

The petitioner had come before this Court complaining that the open land adjacent to the petitioner's school, has been encroached by the respondents for putting up construction of an Anganwadi. The petitioner had given a representation on 09.02.2023.

2. The writ petition came up for hearing on 09.03.2023. The learned Special Government Pleader was requested to get necessary instructions about the nature of the construction and also to ensure that by such construction the entire playground is not taken out.

3. I am not examining the related rights of the parties over the particular ground as that is not the subject matter of the present writ petition.

4. Today, it is informed that the total extent of the ground is 74 cents which is practically about $\frac{3}{4}$ -th of an acre. An Anganwadi building had been built in a corner of the ground measuring an extent of



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1 ½ cents. Necessary diagrams with respect to the same had also been produced. It has also been opened by the District Collector. The purpose of an Anganwadi building, as is evident is only to provide a secure place for children to have their breakfast or their lunch and also as a place of rest for other workers, either connected directly or indirectly with the School.

5. The learned counsel for the petitioner stated that the construction has been done in a hurried manner even pending the writ petition. But this statement is countered by the Special Government Pleader by stating that even the writ petition was filed, nearly about 75% of the construction had been put up. The caution placed by the Court that the ground should be preserved and only a portion of ground can be used, had been kept up by the respondents herein.

6. However, I am confident that the other area of the ground, would not be unnecessarily utilised and even if it is done so, only after due consideration for the requirements of the ground for the students to play and for any other such activities. Let the District Collector deeply



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consider any issue relating to putting up any further construction in the other open area and then take an appropriate decision No further orders are required.

7. With the above observation, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

16.03.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No

RM



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C.V.KARTHIKEYAN, J.

RM

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