



W.P.(MD) No.11949 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2023

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.11949 of 2021

and

W.M.P(MD) No.9373 of 2021

K.Velmurugan
S/o.Kathirvel

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District.
- 2.The Additional District Collector/ Project Officer,
Dindigul District, Dindigul.
- 3.The Thasildhar,
Natham Thasildhar Office,
Dindigul District.
- 4.The Block Development Officer,
Natham Union Office,
Dindigul District.
- 5.The President,
Kudakipatti Village Panchayat,
Natham Taluk, Dindigul District.
- 6.The Head Master,
Kudakipatti Government High School,
Kudakipatti, Natham Taluk,
Dindigul District.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to forbear the respondents to construct the eastern side compound wall of the Kudakipatti Government High School crossing on the north-south cement road in the Kudakipatti Village, Natham Taluk, Dindigul District in the light of the petitioner's representation dated 07.07.2021.

For Petitioner : Mr.R.Venkateswaran

For R1 to R3 : M/s.D.Farjana Ghoushia
Special Government Pleader

For R4 : Mr.A.Baskaran
Government Advocate

ORDER

This Writ Petition has been filed praying for issuance of a Writ of Mandamus to forbear the respondents from constructing the eastern side compound wall for the Government High School, Kudakipatti in the light of the petitioner's representation dated 07.07.2021.

2. The fourth respondent filed his counter affidavit. The relevant portion in the counter affidavit is extracted hereunder:-



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4. I respectfully submit that the averments in Para 2 is to be proved by the petitioner. That the Government high school, Kudakipatti lies in the S.No. 695/40 admeasures about 52 cents and it absolutely belongs to the District Educational office and whereby the school is in function for more than 7 years and nearly more than 250 students are studying in the said school. Further in regard of the temple alleged by the petitioner are denied as false and once in two years a temple festival will be celebrated by the villagers and for the said celebration only a cement road was constructed by this respondent for the welfare of the villagers to assess the temple and the cement road was used by the villagers to assess the main road are denied as false and frivolous.

5. I respectfully submit that the averments in the para 3 is to be proved by the petitioner and the 5 respondent is constructing the compound wall only on the request made by the 6th respondent (letter is annexed in the typeset of papers). That the allegations levelled by the petitioner that the construction of compound wall is obstructing the pathway of public to assess the road is false and frivolous. The petitioner property is in the S.No.695/37 stands in the name of his mother namely Selvarani which admeasures about 327sq.ft only. But this petitioner by encroaching the Government Promboke had constructed a house property to an extent of 654 sq.ft and to the same a representation had been received from the 5th respondent to remove the illegal encroachment made by the petitioner and other general public in the village in the S.Nos.695. Therefore this respondent had also taking effective steps to remove the encroachments made by the petitioners and other villagers by following due process of law.

6. I respectfully submit that the allegations in para 4 are has to be proved by the petitioner and the



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said school is situated in western side of the petitioner house property i.e., S.No.695/40 and the compound wall is being constructed by this respondent by covering the school starts from Western side to Eastern side to an extent of 179 Sq.ft and already a cement road is constructed by this respondent in the ambit of the school property starting from southern side to northern side for an extent 128 sq.ft cement road for the usage of common people to assess the temple during the festival times only and students. Thereby a gate is also proposed to be put up in southern side and northern side for the usage of common public and the gate will be left open during the festival times. Moreover, the compound wall which is constructed in the S.No.649/50 does not obstruct nor closes the common pathway for assessing the house of the petitioner or any other individual person house as alleged by this petitioner. It is further submitted that the compound wall which is proposed to construct is already giving up a space of 10 feet away from the pathway excluding their own land and moreover the construction of compound wall is not obstructing any individual patta holder land to assess their houses.

3. It is clear from the counter affidavit that has been filed by the fourth respondent that there are no obstructions for accessing the house of the petitioner and space has already been provided. That apart, this compound wall has been constructed only in the property belonging to the School. This is being done to prevent any illegal encroachments.

4. In the light of the above stand taken by the fourth respondent, no



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further order is required in this Writ Petition. Accordingly, this Writ Petition is closed. There shall no order as to costs. Consequently, connected Miscellaneous Petition is closed.

19.10.2023

Index: Yes/ No
Neutral Citation: Yes / No
Internet: Yes/No
Speaking order / Non-Speaking order

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N.ANAND VENKATESH, J.

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