



W.P.(MD) No.16311 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.(MD) No.16311 of 2023

Rajakumaran

... Petitioner

-VS-

- 1.The District Collector,
Thoothukudi District.
- 2.The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.
- 3.The Tahsildar,
Tiruchendur Taluk,
Thoothukudi District.
- 4.The Head Master,
Si.Pa.Adhithanar Higher Secondary School,
Kayamozhi,
Tiruchendur Taluk,
Thoothukudi District.
- 5.The Chief Educational Officer,
Thoothukudi,
Thoothukudi District.



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6.The Panchayat President,
Kayamozhi,
Tiruchendur Taluk,
Thoothukudi District.

7.Prabhakaran

8.Muniyandi

9.Ponraj

10.V.S.Natarajan

11.Athimuthu

12.Isakkiammal

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondents No.1 to 3 to remove the encroachment made by the Respondents No.6 to 12, by using the playground of Si.Pa.Adhithanar Government Higher Secondary School comprised in Survey No.604/1B for an extent of 3.43.5 Hectares situated at Kayamozhi Village, Tiruchendur Taluk by considering the representation of the alumini of the Si.Pa.Adhithanar Government Higher Secondary School dated 15.02.2023 within a time frame as fixed by this Hon'ble Court.

For Petitioner : Mr.A.Robinson

For Respondents : Mr.M.Lingadurai
Special Government Pleader for R1 to R3 & R5
Mr.T.Villavankothai
Additional Government Pleader for R4



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ORDER

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

Mr.M.Lingadurai, learned Special Government Pleader, takes notice for the respondents 1 to 3 & 5 and Mr.T.Villavankothai, learned Additional Government Pleader, takes notice for the 4th respondent.

2. Since we are not passing any adverse orders against the 6th respondent and private respondents, notice to them is dispensed with.

3. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

4. Prayer in this writ petition is to direct the Respondents No.1 to 3 to remove the encroachment made by the Respondents No.6 to 12, by using the playground of Si.Pa.Adhithanar Government Higher Secondary School comprised in Survey No.604/1B for an extent of 3.43.5 Hectares situated at Kayamozhi Village, Tiruchendur Taluk by considering the representation of the alumini of the Si.Pa.Adhithanar Government Higher Secondary School dated 15.02.2023 within a time frame.



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5. Learned Special Government Pleader appearing for the respondents 1 to 3 and 5, by making reliance on the communication of the 3rd respondent to the Government Pleader dated 06.07.2023, would submit that they have identified 11 encroachments in S.No.604/1B, out of which they have removed the encroachments made by the respondents 7 to 9 and with regard to the encroachments made by the 9th respondent and one High Court Durai and Petchikani, steps have been taken to issue free patta to them and on issuance of free patta their encroachments will be removed. He would further submit that the Panchayat has made three encroachments by constructing over head tank and manure pits and apart from that there is a Temple and burial ground in the said survey number.

6. It is very unfortunate that encroachments are found in the school area. We do not know how long the official respondents will take to issue free pattas. The Government shall take a decision with regard to the issuance of patta to the alleged encroachers as expeditiously as possible. Similarly, there are encroachments by the Panchayat itself. In respect of the other encroachments, they will have to be removed forthwith. In any event, all the encroachments made in the School shall be removed within a period of two months from the date of receipt of a copy of this order, by following due process of law.



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7. The officials shall follow the dictums of this Court (S.K.Kaul,C.J., and R.Mahadevan,J.) in Contempt Petition No.1769 of 2015 and Contempt Petition No.2166 of 2015 (Suo motu) and in W.P. No. 28143 of 2021 dated 27.01.2022 (S.Vaidyanathan,J and D. Bharatha Chakravarthy,J.) in its letter and spirit. If the officials fail to remove the encroachment, disciplinary action shall be initiated and punishment for major misconduct shall be entered in the service records that will deprive them of further chances of promotion.

8. With the above directions, this writ petition is disposed of. No costs.

[S.V.N., J.] [D.B.C., J.]
06.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
SJ
To:

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SJ

- 4.The Head Master,
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