



W.P(MD).No.13030 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 05.03.2024

PRONOUNCED ON : 27.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD).No.13030 of 2023
and WMP(MD).Nos.11033 of 2023 and 4807 of 2024**

Ayyavu Thevar

...Petitioner

Vs

**1.The District Collector
Madurai District, Madurai**

**2.The Revenue Divisional Officer
Madurai**

**3.The Joint Director
Kallar Reclamation Department
Madurai 20**

**4.The Commissioner
Usilampatti Panchayat Union
Usilampatti, Madurai**

**5.Mrs.Saranya Ravi
W/o.Ravi
President, Poothipuram Panchayat
Usilampatti Taluk, Madurai District**



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6.Sasi @ Perusaml
S/o.Veeranathevar
Vice President, Poothipuram Panchayat
Usilampatti Taluk, Madurai District

7.Ravi
S/o.Veeranathevar
Contractor, Karuthiveeranpatti
Hamlet Poothipuram Village
Usilampatti Taluk, Madurai District

8.The Headmaster
Kallar Elementary School
Poothipuram Village
Usilampatti Taluk, Madurai District

...Respondents

Prayer : Writ Petition has been filed under Article 226 of Constitution of India to issue a writ of Mandamus, to forbear the respondents 5 to 7 from making any constructions in the 8th respondent School site bearing S.No.50/2, Poothipuam Village, Usilampatti Taluk, Madurai District.

For Petitioner	: Mr.T.K.Gopalan
For R1 to R3	: Mr.P.Thilak Kumar Government Pleader
For R5	: Mr.A.K.Baskarapandian
For R7	: Mr.P.Athimoolapandian

ORDER

(Made by **R.VIJAYAKUMAR,J.**)

The present writ petition has been filed as a Public Interest Litigation by a resident of Poothipuram Village, Usilampatti Taluk, Madurai District



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seeking a prayer to forbear the respondents 5 to 7 from making any construction in the eighth respondent School site bearing Survey No.50/2 in the said village.

2. According to the learned counsel for the petitioner, Survey No.50/2 in the above said village exclusively belongs to Kallar Reclamation Department and a School is being run in the said survey number for more than 70 years. The said School is under the control of the third respondent. A request was made by the third respondent to Poothipuram Perumal Koil Trustee for construction of additional building for the School in the temple land in Survey No.52/5 on a temporary basis and additional buildings were constructed.

3. The School continues to be run in Survey No.50/2. However, without obtaining any building plan or permission from any one of the authorities, the School building is sought to be demolished in Survey No.50/2 and the respondents 5 to 7 are attempting to construct a Panchayat Board Office in the said survey number. None of the authorities have obtained prior permission from the Government. Hence, he prayed for allowing the writ petition and to stop the construction.

4. The fifth respondent in the writ petition who is the President of the concerned Panchayat has filed a counter contending that the School building located in Survey No.50/2 had become dilapidated and a new building was



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constructed in Survey No.52/5 in the year 2006 itself. The School was completely shifted to the new building in Survey No.52/5 and the School is functioning in the new building for the past 17 years. Now after obtaining permission from the third respondent in the writ petition, the dilapidated building has been demolished and a new building is being constructed for Village Secretariat. As per the revenue records, the said survey number does not belong to the School, but it is Government poramboke. He had further contended that the Block Development Officer of Chellampatti had issued proceedings on 05.01.2023 issuing work order for construction of the Panchayat Secretariat at Poothipuram Panchayat in Survey No.50/2. A close relative of the writ petitioner had contested in the Panchayat election as against the fifth respondent and was unsuccessful. Due to the political enmity, the present writ petition has been filed. Hence, he prayed for dismissal of the writ petition.

5.We have considered the submissions made on either side and perused the material records.

6.The Kallar Elementary School of Poothipuram Village was originally located in Survey No.50/2 which is classified as Government poramboke as per the revenue records. The land does not belong to the School or Kalllar



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Reclamation Department. In view of the fact that the said building got dilapidated, a new building has been constructed in Survey No.52/5 and the entire School has been shifted to the said new building in the year 2006 itself. For the past 17 years, the School is functioning in the new building in Survey No.52/5.

7.The Panchayat officials after getting due permission from the Kallar Reclamation Department and the revenue officials, have demolished the dilapidated School building in Survey No.50/2 and they have constructed the Panchayat Secretariat in the said site. A perusal of the records further reveal that a work order has been issued for construction of the new building by the Block Development Officer, Chellampatti Panchayat. Resolution has also been passed by the concerned Panchayat for construction of the Panchayat Secretariat in the said site. Therefore, it is clear that the present writ petition has been filed suppressing the fact that the School has already been shifted to the new building in the year 2006 itself.

8.A reading of the averments in the affidavit reveal as if the School is still functioning in the building in Survey No.50/2 and the Panchayat and the revenue authorities are attempting to demolish the School building. Therefore, it is clear that the petitioner has not approached the Court with clean hands. As rightly contended by the learned Counsel for the respondents,



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due to some enmity, the present writ petition has been filed and there are no merits whatsoever in the present writ petition.

9.In view of the above said deliberations, the writ petition is dismissed with a cost of Rs.25,000/- to be paid by the writ petitioner to the Legal Service Authority, Madurai Bench of Madras High Court, Madurai within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

(D.K.K.J.,)

(R.V.J.,)

27 .03.2024

Index :yes

Internet :yes

NCC : yes/no

msa



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WEB COPY

To

1.The District Collector
Madurai District, Madurai

2.The Revenue Divisional Officer
Madurai

3.The Joint Director
Kallar Reclamation Department
Madurai 20



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**D.KRISHNAKUMAR, J.
AND
R.VIJAYAKUMAR,J.**

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Pre-delivery Order made in
W.P(MD).No.13030 of 2023
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