



W.P.(MD) No.22450 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2024

CORAM:

**THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ**

W.P.(MD) No.22450 of 2018

Dhanushkodi

... Petitioner

-vs-

1.The District Collector
Collector's Office
Madurai & District

2.The Revenue Divisional Officer
Revenue Divisional Office
Melur, Camp at Othakkadai
Madurai District

3.The Tahsildar
Taluk Office
Madurai East Taluk
Madurai District

4.Dhandapani

5.Munusamy

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to remove the encroachment of the Government School made by the respondents 4 and 5 in S.F.No.28/3 of Gandhi Nagar, Meenakshipuram Panchayat, Madurai East Taluk and Madurai District, within a stipulated time by considering the petitioner's representation dated 22.09.2018.

For Petitioner : Mr.R.Manoharan

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R3

ORDER

[Order of the Court was made by The Hon'ble ACTING CHIEF JUSTICE]

Prayer in this writ petition is to direct the respondents 1 to 3 to remove the encroachments made by the respondents 4 and 5 in S.F.No.28/3 of Gandhi Nagar, Meenakshipuram Panchayat, Madurai East Taluk and Madurai District, by considering the petitioner's representation dated 22.09.2018, within a time to be fixed by this Court.



W.P.(MD) No.22450 of 2018

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2. According to the petitioner, the subject land is a water catchment area and it is a Government Poramboke land. In the said land, there is a Government School, wherein large number of students are studying. The subject land is being used by the students of the said School as a playground. However, the respondents 4 and 5 have illegally encroached upon the said land, thereby the students of the said School are facing much difficulties. When the official respondents issued notices to the encroachers to remove the encroachments made by them in the subject land, they filed writ petitions in W.P.(MD) Nos.23446, 23448 and 23449 of 2015 and 15117 of 2016 seeking to quash the notices impugned therein issued by the official respondents and by order dated 19.01.2017, these were petitions were dismissed by this Court. However, even thereafter, the encroachments made in the subject land have not been removed sofar. Ventilating the same, the petitioner has given a representation to the official respondents on 22.09.2018. However, the same has not been considered sofar. Hence, this writ petition.



W.P.(MD) No.22450 of 2018

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3. Taking into consideration the facts and circumstances of the case, we direct the third respondent / Tahsildar to take necessary action for removal of encroachments in the subject land, by considering the petitioner's representation dated 22.09.2018, in accordance with law, after providing due opportunity to the parties concerned. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that in case there is any failure on the part of the official respondents in complying with the above directions, this matter will be viewed seriously and contempt proceedings will be initiated against the official concerned.

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

[D.K.K., A.C.J.] [M.S.Q., J.]

06.09.2024

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

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and
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