



W.P.(MD)No.25498 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25498 of 2024

1.Baskaran
2.Andisamy

... Petitioners

Vs.

1.The District Collector,
Madurai, Madruai District.

2.The Block Development Officer
cum Commissioner,
Kottampatti Union, Melur Taluk,
Madurai District.

3.The District Educational Officer,
Melur, Madurai District.

4.The Tahsildar,
Melur Taluk,
Melur, Madurai District.

5.Manapacheri Village Panchayat,
Kottampatti Union,
Melur Taluk, Madurai District,
Rep. by its President,
S.Sethurajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondent 1 to 4 from constructing the compound wall of the Government Middle School,



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M.Vellalapatti situated in Survey No.228/1 & 228/2 in M.Vellalapatti Village,
Melur Taluk, Madurai District.

For Petitioner : Mr.K.Sivabalan
for M/s.Aran Legal Consultancy
For R1, R4 & R5 : Mr.A.Kannan
Additional Government Pleader
For R2 & R3 : Mr.T.Amjad Khan
Government Advocate

ORDER

This writ petition is filed to forbear the respondents 1 to 4 from constructing the compound wall of the Government Middle School, M.Vellalapatti situated in Survey No.228/1 & 228/2 in M.Vellalapatti Village, Melur Taluk, Madurai District.

2.Mr.A.Kannan, learned Additional Government Pleader takes notice for the respondents 1, 4 and 5 and Mr.T.Amjad Khan, learned Government Advocate, takes notice for the respondents 2 and 3.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.The case of the petitioner is that the respondents are trying to put up a compound wall in the petitioner's land.



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5. Earlier, the fifth respondent has filed a writ petition before this Court to conduct survey of the Government School land in Survey No.228/1, 228/2 and 223/2 and this Court had directed the authorities to conduct survey. Only on the basis of the survey, according to the learned counsel for the Additional Government Pleader, it is found that the property is not belonging to the petitioner. Therefore, in order to prevent the trespassers, the permanent construction of the compound Wall is required. According to them, it is only the school property.

6. Whereas, the learned counsel for the petitioner would submit that till 2023, in all the revenue records with regard to the property in question, only the name of the petitioner's father was found. Only in 2023, the name of the petitioner's father has been changed by making correction and the School name has been included. In this regard, the petitioner already filed an application before the revenue authorities to cancel the patta, which is pending before the authorities concerned. Hence, he submitted that till the revenue proceedings are completed, the respondents shall not be permitted to undertake the construction activities in the subject property.



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7.Considering the fact that the patta was originally stood in the name of the petitioner's father before 2023, which is annexed in the typed set of papers and only thereafter, it appears to be changed, this Court directs the petitioner to file a proper application before the Revenue Divisional Officer in this regard. It is made clear that the petitioner shall give such application before the Revenue Divisional Officer within a period of seven days from the date of receipt of a copy of this order and if such application is filed within such time, the same shall be disposed of within a period of two months thereafter after hearing the fifth respondent herein. It is also made clear that if the application is not given by the petitioner within the stipulated time and if the application has not been pursued properly, the fifth respondent is at liberty to proceed with the construction. It is needless to add here that based upon the orders to be passed by the Revenue Divisional Officer, any construction activities shall be carried out.

8.With the above observation, this writ petition stands disposed of. No costs.

29.10.2024

NCC:yes/no
Index:yes/no
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