



W.P.(MD).No.26742 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.26742 of 2024

Sahabudeen

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Theni District.
- 2.The Revenue Divisional Officer,
Office of Revenue Divisional Office,
Uthamapalayam,
Theni District.
- 3.The Block Development Officer,
Office of Block Development Office,
Chinnamanur,
Theni District.
- 4.The District Educational Officer,
Office of the District Educational Office,
Theni District.
- 5.The President,
Pottipuram Panchayat,
Pottipuram Post,
Uthamapalayam Taluk,
Theni District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to restore the playground by erecting fence around the land in Survey Nos.313/23 and 314 situated at Thimminayakkanpatty Village, Pottipuram Panchayat, Uthamapalayam Taluk, Theni District by complying the 3rd respondent's communication in Na.Ka.No.2124/2017/T2 dated 30.09.2024.

For Petitioner : Mr.J.Pandi Dorai
For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The present Writ Petition is filed for Mandamus to direct the respondents to restore the playground by erecting fence around the land in Survey Nos.313/23 and 314 situated at Thimminayakkanpatty Village, Pottipuram Panchayat, Uthamapalayam Taluk, Theni District by complying with the communication of the third respondent in Na.Ka.No.2124/2017/T2 dated 30.09.2024.



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2. The learned counsel for the petitioner would submit that the petitioner is the resident of Thimminayakkanpatty Village, Pottipuram Panchayat, Uthamapalayam Taluk, Theni District. Few years ago, the fourth respondent ran a Panchayat Union Primary School in the lands measuring 3 cents in Survey Nos.313/23 and 314. Though the School is not functioning now, the students are using the said land as school playground. While so, some private individuals attempted to encroach the school playground by erecting flag poles, which resulted in dispute between two communities and a peace committee meeting was conducted before the Inspector of Police on 17.06.2023, wherein, both the parties agreed to remove the encroachments and erect fence around the land. Hence, the third respondent sent a communication to the fifth respondent on 30.09.2024 to take appropriate action in this regard. Despite the same, no action was taken by the fifth respondent, which prompted the petitioner to file the present Writ Petition before this Court.

3. This Court will not be justified in stepping into the shoes of the respondents for considering such a prayer of the petitioner. However, this Court is of the view that if the petitioner is granted liberty to make a fresh representation before the respondents, with a consequential direction to the respondents to consider the same, the ends of justice could be secured.



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4. Accordingly, the petitioner herein is granted liberty to make a fresh representation before the respondents herein ventilating his grievances. On receipt of such representation, the respondents are directed to consider the same in the light of the communication of the third respondent in Na.Ka.No. 2124/2017/T2 dated 30.09.2024, after giving due opportunity to the petitioner, as well as any other persons, who may be interested in the subject property, within a period of three (3) months from the date of receipt of a fresh representation.

5. The Writ Petition is disposed of with the above direction. There shall be no order as to costs.

(M.S.R.,J.) (A.D.M.C.,J.)
29.11.2024

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



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