



WEB COPY



W.P.No.13816 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.13816 of 2025
and
W.M.P No.15513 of 2025 in W.P. No.13816 of 2025

Brilliant Matriculation Higher Secondary School
rep. By its Secretary M.Amanullah,
Pattukottai Road, Muthupettai,
Tiruvarur District.

... Petitioner

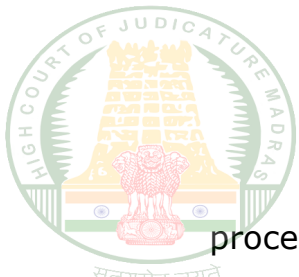
vs.

- 1.The District Collector,
Tiruvarur District.
- 2.The District Revenue Officer,
Tiruvarur District.
- 3.The Tashildar,
Muthupettai Taluk.
- 4.The Executive Officer,
Selection Grade Town Panchayat,
Muthupettai, Tiruvarur District.
- 5.The District Educational Officer
(Private Schools), Tiruvarur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari to call for the records relating to

Page Nos.1/6



W.P.No.13816 of 2025

proceedings of the first respondent in Na.Ka.No.5981/2018/AA3 dated 28.03.2025 and quash the same.

WEB COPY

For Petitioner : Mr.K.Sakthivel

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 to R4
Mr.R.Neethi Perumal,
Government Advocate for R5

ORDER

[Order of the Court was made by **K.GOVINDARAJAN THILAKAVADI, J.,**]

Captioned writ petition is filed assailing the proceedings dated 28.03.2025 issued by the first respondent in Na.Ka.No.5981/2018/AA3.

2. The contention of the writ petitioner is that the writ petitioner school was established in the year 1986 and the school has got approval of the School Education Department to conduct classes from LKG to Grade 12. While so, in the year 2018, alleging that the school encroached on a waterbody comprised in Survey Nos.219/4 and 223, the authorities have issued a notice to remove the encroachment without giving any opportunity to the petitioner school to respond.

Page Nos.2/6



W.P.No.13816 of 2025

Challenging the said notice, the petitioner preferred a writ petition in W.P.No.13098 of 2018 and vide order dated 13.06.2018, a direction was given to the official respondents to initiate action in accordance with law. Pursuant to the said order, inspection was conducted and it was found that a portion of compound wall was constructed in the Government property. Thereafter, the petitioner school removed the said encroachment and constructed the compound wall in its patta land. That being so, the first respondent herein issued the proceedings dated 28.03.2025 requesting the third respondent to remove the alleged encroachment on or before 15.04.2025 and file a report. But no opportunity was given to the writ petitioner to respond. Therefore, the writ petitioner is before this Court.

3. Issue notice to respondents.

4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for official respondents R1 to R4 and Mr.R.Neethi Perumal, learned Government Advocate accepts notice for R5.



W.P.No.13816 of 2025

WEB COPY

5. Considering the limited scope of the writ petition, with the consent of learned counsel on both sides, the main writ petition itself is taken up in the Admission Board.

6. Learned Additional Government Pleader submits on instructions that survey is likely to be conducted on 23.04.2025 in the presence of the writ petitioner and that if any encroachment is found, the same will be removed in accordance with law under the appropriate statute.

7. Considering the above stated position of the learned State counsel, the following order is passed:

7.1 Survey shall be conducted by the third respondent herein (Tahsildar, Muthupettai Taluk) after giving notice to the writ petitioner;

7.2 If any encroachment is found in the survey, action can be taken in accordance with law following the



W.P.No.13816 of 2025

*procedure contemplated under the Tamil Nadu Land
Encroachment Act, 1905 (Tamil Nadu Act III of 1905).*

WEB COPY

8. Captioned writ petition is disposed of in the aforesaid manner.
Consequently, connected writ miscellaneous petition is closed. There
shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
22.04.2025

Index : Yes/No
Neutral Citation: Yes/No
mmi

To

- 1.The District Collector,
Tiruvarur District.
- 2.The District Revenue Officer,
Tiruvarur District.
- 3.The Tashildar,
Muthupettai Taluk.
- 4.The Executive Officer,
Selection Grade Town Panchayat,
Muthupettai, Tiruvarur District.
- 5.The District Educational Officer
(Private Schools), Tiruvarur District.

Page Nos.5/6



WEB COPY



W.P.No.13816 of 2025

**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

mmi

W.P.No.13816 of 2025

22.04.2025

Page Nos.6/6