

W.P.(MD)No.6112 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.6112 of 2025
and W.M.P(MD).No.4491 of 2025

Satheeshkumar

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Pudukkottai District.

2.The District Educational Officer,
Office of the District Educational Office,
Pudukkottai.

3.The Headmaster,
Government Middle School,
Innampatti, Alangulam Taluk,
Pudukkottai District.

4.The Tahsildar,
Alangudi Taluk Office,
Pudukkottai District.

5.The Taluk Surveyor,
Alangudi Taluk,
Pudukkottai District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to forbear the third respondent school from in any manner constructing the compound wall by encroaching the property belonging to the petitioner which is comprised in S.No.150/12 situated at Veppankudi Village, Alangudi Taluk, Pudukkottai District, by considering his representation dated 01.10.2024.

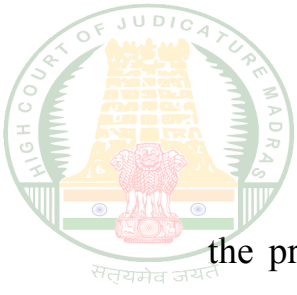
For Petitioner : Mr.S.Ramakrishnan

For Respondents : Mr.A.Kannan (for R1,R4 & R5)
Additional Government Pleader
Mr.V.Omprakash (For R2 & R3)
Government Advocate

ORDER

The petitioner moved this Court seeking for a Mandamus to restrain the third respondent/ Government Middle School, Innampatti, Alangulam Taluk, Pudukkottai District, from in any way encroaching upon the property belonging to the petitioner comprising in S.No.150/12 situated at Veppankudi Village, Alangudi Taluk, Pudukkottai District.

2. The plea of the petitioner is that he is the owner of the property situated at S.No.150/12 to an extent of 00.380 sq.mts. He pleaded that



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the property belonged to his father Adaikalam and on the death of his father, he succeeded to the estate. He pleaded that the Revenue Department had granted a patta in Patta No.211 for the aforesaid property.

3. The petitioner claims that adjacent to his property is the third respondent /Government Middle School. This is situated in S.No.150/3 of Veppankudi Village. The petitioner pleads that, without any authority, the third respondent has started encroaching upon his property and started construction of a compound wall for the School. He pleads that, while this School is entitled to construct a compound wall on its property, it is not entitled to encroach upon his property and put up a construction.

4. Since the dispute revolved around in a narrow campus, I directed Mr.A.Kannan, learned Additional Government Pleader, to instruct the Tahsildar to conduct survey either by himself or through his subordinates and submit a report to this Court. In accordance with the direction of this Court dated 07.03.2025, the Tahsildar, Alangudi Taluk,



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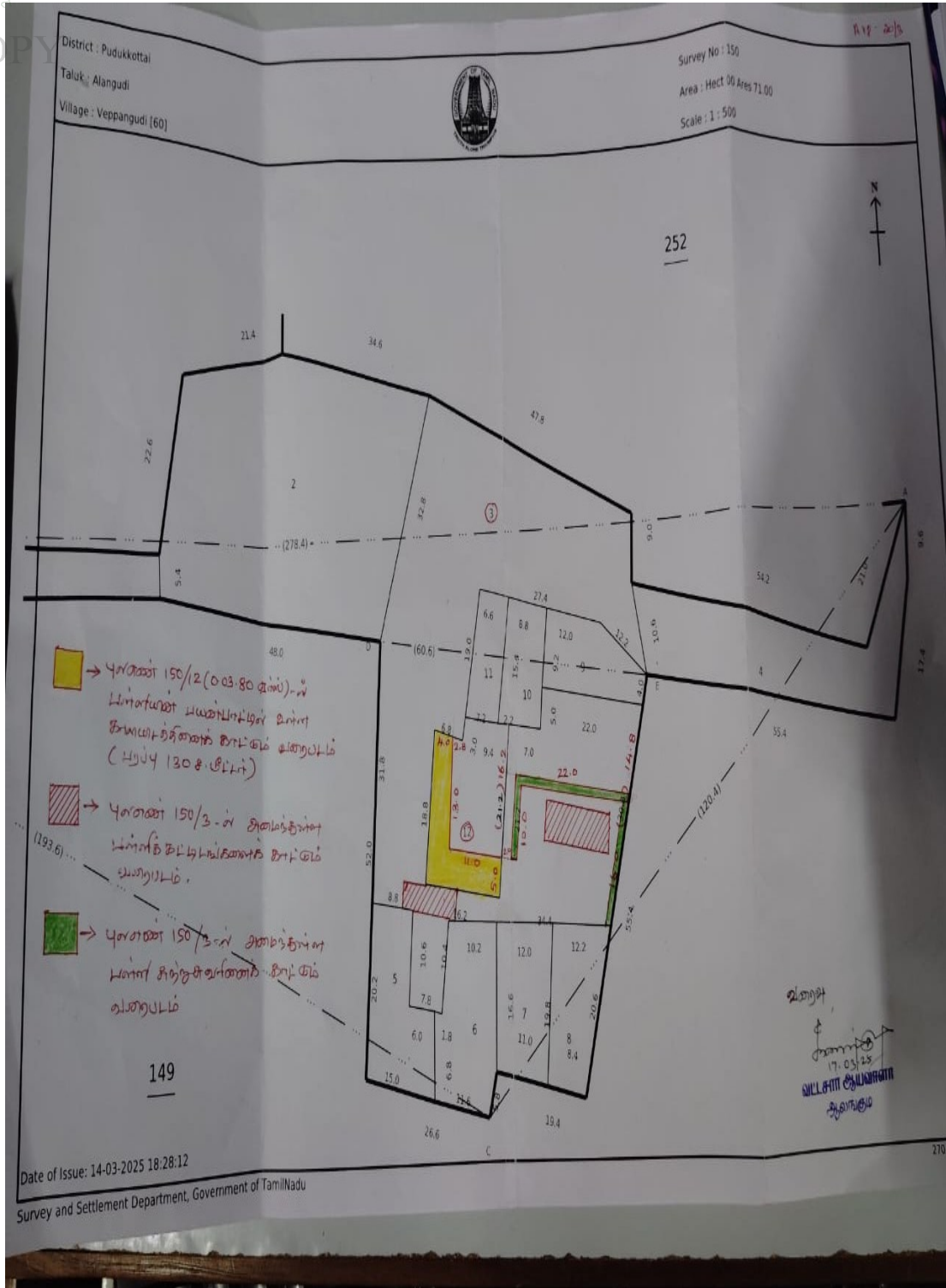
had ensured that survey was conducted by the Village Administrative Officer as well as by the Taluk Surveyor on 17.03.2025.

5. The report states that the School is not putting up any construction on the side of the property, that belongs to the petitioner. In addition, it states an extent of 130 sq.mtrs is under the use and occupation of the School. The report makes it clear that the apprehension of the petitioner is unfounded. Hence, there need not be a direction restraining the third respondent School from putting up a compound wall over the petitioner's property. The plan appended along with the report is scanned and extracted hereunder :-



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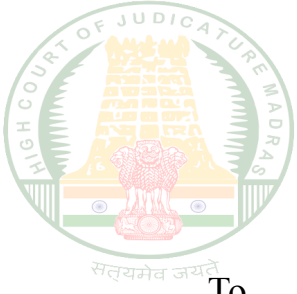
6. Mr.S.Ramakrishnan states that the School is attempting an encroachment upon the petitioner's holding.

7. When the report is clear, I am not in a position to come to a conclusion as to the extent or whether at all there has been an attempt by the School to interfere with the possession of the petitioner. Suffice to record the report of the Tahsildar and the Taluk Surveyor. It is open to the petitioner, if any attempt is made by the third respondent School to encroach upon his property, to approach the jurisdictional civil Court.

8. With the above directions, this Writ petition is ordered accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Index :Yes / No
NCC :Yes / No
Rmk

20.03.2025



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V. LAKSHMINARAYANAN, J.

Rmk

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