



W.P(MD)No.17691 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.17691 of 2025

Ramakrishnan

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District.

2.The Commissioner,
Panchayat Union Office,
Kayathar,
Thoothukudi District.

3.The Block Development Officer (Village Panchayat),
Kayathar,
Thoothukudi District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 and 3 not to construct any compound wall around the Primary School in Survey No.79/4 situated at Sivaganapuram Village, Kayathar Taluk, Thoothukudi District.



WEB COPY



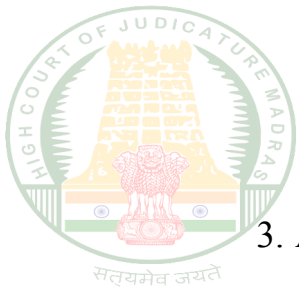
W.P(MD)No.17691 of 2025

For Petitioner : Mr.S.Ramasamy
For Respondents : Mr.D.Ghandiraj
Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus to direct the respondents 2 and 3 not to construct any compound wall around the Primary School in Survey No.79/4 situated at Sivaganapuram Village, Kayathar Taluk, Thoothukudi District.

2. It is noticed that the petitioner had earlier filed a suit for a declaration and a permanent injunction against the respondents in O.S.No.92 of 2018 before the District Munsif Court, Kovilpatti. The suit was dismissed on 22.03.2025 on the ground that the petitioner had no proof to substantiate that he is the owner of the property measuring an extent of 23 cents in Survey No. 79/4. Aggrieved by the said judgment and decree, the petitioner has filed an appeal before the Sub Court, Kovilpatti in A.S.No.25 of 2025 and the same is said to be pending.



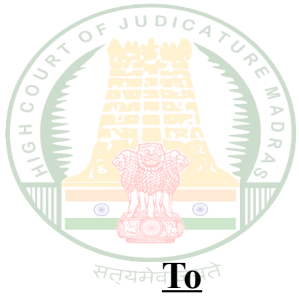
W.P(MD)/No.17691 of 2025

3. As the petitioner has not secured any interim order, I find no merits in the present writ petition. At best, the petitioner can approach the Sub Court, Kovilpatti in A.S.No.25 of 2025 with a prayer for injunction to restrain the respondents from proceeding with the construction, if a *prima facie* case is made out. The discussion in the judgment and decree of the District Munsif Court, Kovilpatti in O.S.No.92 of 2018 indicates that the petitioner has no records to substantiate his right. Be that as it may, since the petitioner has filed an appeal before the Sub Court, Kovilpaati, against the judgment and decree, dated 22.03.2025 in O.S.No.92 of 2018, it is open to the petitioner to workout the remedy before the said Court.

4. The writ petition stands dismissed with the above observations. No costs.

01.07.2025

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



W.P(MD)No.17691 of 2025

WEB COPY

- To**
- 1.The District Collector,
Thoothukudi District.
 - 2.The Commissioner,
Panchayat Union Office,
Kayathar,
Thoothukudi District.
 - 3.The Block Development Officer (Village Panchayat),
Kayathar,
Thoothukudi District.



WEB COPY



W.P(MD)No.17691 of 2025

C.SARAVANAN, J.

sn

W.P(MD).No.17691 of 2025

01.07.2025