



W.P(MD)No.34935 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.12.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.34935 of 2025

and

W.M.P.(MD)No.27625 and 27626 of 2025

The Correspondent,
Sacred Heart School,
Mathur Post,
Kulathur Taluk,
Pudukkottai District.

... Petitioner

Vs.

- 1.The District Collector,
Pudukkottai,
Pudukkottai District.
- 2.The Tahsildar,
Kulathur,
Pudukkottai District.
- 3.The Block Development Officer,
Viralimalai Post and Taluk,
Pudukkottai District.
- 4.The President,
Mathur Village Panchayat,
Mathur Post,
Kulathur Taluk,



W.P(MD)No.34935 of 2025

Pudukkottai District.

5.C.Kasirajan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent pertaining to its notice dated 31.12.2024 and quash the same and consequently directing the respondent to permit the petitioner to use the banks of the oorani so as to enable the students of petitioner's school to ingress and egress the school.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.C.Venkatesh Kumar,
Spl. Govt. Pleader for R1, R2 & R4.
Mr.M.Siddharthan,
Addl. Government Pleader for R3.
Mr.P.Ganapathi Subramanian for R5.

ORDER

Heard both sides.

2.The writ petitioner challenges the order passed under Section 6 of the Land Encroachment Act, 1905. That a portion of a water body is being used as an access road is beyond dispute.



W.P.(MD)No.34935 of 2025

WEB COPY

3.The petitioner through their counsel informed the Court that they are accepting the impugned order and that they would abide by it and that they would not file any appeal challenging the same. In fact, the very issuance of the impugned order is pursuant to the direction given by this Court vide order dated 08.11.2024 made in W.P.(MD)No.26550 of 2024 filed by the fifth respondent herein.

4.Considering the interest of school students, the only concession that is sought is that the impugned order should not be enforced till 31.03.2026.

5.Accepting the aforesaid submission, we direct the authorities not to enforce the impugned order till 31.03.2026. It is conceded by the writ petitioner themselves that the encroachment committed by the writ petitioner in the form of compound wall has already been removed. The only concession that we now give is that the through the bund of the water body, the students can reach the school. Even this facility would be available only till 31.03.2026. This is subject to filing of an



W.P(MD)No.34935 of 2025

undertaking affidavit by the writ petitioner before the second respondent within a period of ten days from the date of receipt of a copy of this order. If such an undertaking affidavit is not filed, the benefit of this order would stand recalled and the writ petition would be deemed to have been dismissed.

6.This writ petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petitions are closed.

(G.R.S.J.) & (B.P.J.)
04.12.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

- 1.The District Collector,
Pudukkottai,
Pudukkottai District.
- 2.The Tahsildar,
Kulathur,
Pudukkottai District.
- 3.The Block Development Officer,

4/6



W.P(MD)No.34935 of 2025

Viralimalai Post and Taluk,
Pudukkottai District.

WEB COPY

4.The President,
Mathur Village Panchayat,
Mathur Post,
Kulathur Taluk,
Pudukkottai District.



WEB COPY



W.P(MD)No.34935 of 2025

**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

ias

W.P(MD)No.34935 of 2025

04.12.2025