



WEB COPY

W.P(MD)No.9138 of 2026



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15.04.2026

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**W.P(MD)No.9138 of 2026
and
W.M.P(MD)No.7321 of 2026**

Sacred Heart School,
Mathur Post,
Kulathur Taluk,
Pudukkottai-622 515
Rep by its Correspondent
Mary Kutty Eapen

... Petitioner

Vs.

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Pudukkottai Division,
Pudukkottai District-622 001.
- 3.The Tahsildar,
Kulathur Taluk,
Pudukkottai.
- 4.The Divisional Engineer,
National Highways Trichy Division,
Trichy.



5.The Block Development Officer,
Kulathur Panchayat Union,
Pudukkottai District-622 504

6.Kasi Rajan
(R6 is Suo Motu impleaded by this
Court on 15.04.2026)

...Respondents

Writ Petition is filed under article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to grant necessary permission to the petitioner school for constructing a small bridge situated in front of the school premises in Survey No.193, Mathur Village, Pudukkottai District, based on the petitioner's representation dated 02.03.2026 for the benefit of the students, staff and parents within a time frame fixed by this Court.

For Petitioner	:Mr.G.Prabhurajadurai for Mr.M.Rajarajan
For R1 to R4	:Mr.M.Lingadurai Special Government Pleader
For R5	:Mr.G.V.Vairam Santhosh Additional Government Pleader
Fro R6	:Mr.P.Ganapathi Subramanian

ORDER

This writ petition is filed with a prayer to grant necessary permission to the petitioner school for constructing a small bridge situated in front of the school premises in Survey No.193, Mathur Village, Pudukkottai District, based on the petitioner's representation dated 02.03.2026.

2.Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the grievance of the petitioner is that the



petitioner is a school and for the students to access the school from the highway, there is no other pathway than the tank Bund. Thereafter, also water body passes through and unless the Collector grants permission to construct a culvert, it will be difficult for the students to use the said pathway. Therefore, the present application is made to the Collector and it is for the Collector to consider the same and grant permission and in the event of without granting permission, the petitioner school is willing to put up the culvert on its own expenses.

3.Per Contra, the learned Government Advocate would submit that the pathway which is alleged is part of the Oorani in S.No.193, which is an extent of 2 hectares 2.91.50. In the earlier round of litigation, by an order in W.P(MD)No.34935 of 2025, the Division Bench had permitted the school to use the said pathway only up to 31.03.2026 if and when they file an undertaking, and thereafter they should make alternative arrangements. The Culvert now sought to be constructed is with reference to the very same pathway.

4.The learned counsel appearing on behalf of the 6th respondent would submit that the entire area in between the highway and the school is Oorani. It is erroneous to contend that the students are passing through the



bund of the Oorani, the school had earlier dumped materials and created a pathway in the water body. The school also filed a civil suit in O.S.No.125 of 2023 for the relief of declaration and permanent injunction. This Court by an order dated 16.10.2024 in CRP(MD)No.2135 of 2024, to struck off the plaint by holding that the said land is an water source and nobody can claim any right in respect of the same.

5.The learned counsel would also submit that the petitioner had filed W.P.No.26550 of 2024 and by an order dated 08.11.2024, the Division Bench had directed the removal of encroachment by following the due process of law. Thereafter, when the petitioner had filed WP(MD)No.34935 of 2025, they were permitted to use the water body as a pathway only till 31.03.2026 and thereafter, were directed to make alternative arrangements. As a matter of fact, the 6th respondent had also filed a contempt petition in Cont.P(MD)No.3294 of 2025 for willful non compliance of the order passed in W.P(MD)No.26550 of 2024 in which, it was reported on behalf of the authorities that they have already passed the orders of eviction and the same was recorded and the contempt petition was disposed.

6.I have considered the rival submissions made on either side and perused the material records of the case.



7.It is not the contention of the petitioner School that they have found out any alternative pathway and that the culvert is necessary in respect of the said pathway. In respect of the very same pathway already used by them, the rights of the parties had already crystallized by an order dated 04-12-2025 made in W.P(MD)No.34935 of 2025. The relevant portion in paragraphs 4 & 5 of the said order is extracted here under for ready reference.

“.....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 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.”

Therefore, when already the Hon'ble Division Bench had permitted to use the pathway in question only up to 31.03.2026, there is no question of direction to the Collector to consider the petitioner's representation for



putting up a culvert. Therefore, keeping open the liberty of the petitioner to approach the Hon'ble Division Bench in the very same proceeding for any prayer, the request made in the present writ petition cannot be countenanced and accordingly disposed of. No costs. Consequently connected miscellaneous petition is closed.

15.04.2026

NCC:Yes/No
Ns

To

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Pudukkottai Division,
Pudukkottai District-622 001.
- 3.The Tahsildar,
Kulathur Taluk,
Pudukkottai.
- 4.The Divisional Engineer,
National Highways Trichy Division,
Trichy.
- 5.The Block Development Officer,
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D.BHARATHA CHAKRAVARTHY, J.

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