

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.15770 of 2014

M.H.Sheik Ali .. Petitioner

vs.

1. The Assistant Divisional Engineer
Highways, Vridhachalam
Cuddalore.
 2. Arulmighu Virudhagirishwar Thirukoil
rep. by its Executive Officer
Vridhachalam, Cuddalore.
 3. The Tahsildar
Vridhachalam
Cuddalore.
 4. The Deputy Surveyor
Vridhachalam
Cuddalore.
- .. Respondents
(Respondents 3 and 4 impleaded
by order dated 22.11.2016 made
in this petition)

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records in order No.09/2014/E.V.A./, dated 02.06.2014 on the file of the 1st respondent and quash the same as illegal incompetent and unconstitutional and further direct the 1st respondent not to interfere with the possession of the petitioner in S.No.105/3 of Junction Road, Virudhachalam.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.T.N.Rajagopalan
Special Govt. Pleader
for respondents 1, 3 and 4

Mr.M.Maharaja
Special Govt. Pleader
for 2nd respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner claims to be a tenant of the second respondent/temple's land which is under the aegis of the Hindu Religious and Charitable Endowments Department. The petitioner moved the Court threatened by the action of the first respondent/National Highways Department alleging that the construction made by the petitioner would be removed as it is an encroachment on the highway land. The petitioner disputes this position.

2. We have heard the submissions of the learned counsel for the parties and perused the records.

3. We are of the view that the writ petition can be disposed of with the following directions:

- (i) The Tahsildar, Vridhachalam, with the help of the Deputy Surveyor, Vridhachalam, will carry out demarcation at site in the presence of the representatives of the petitioner and the second respondent. The exercise be undertaken within a month of the receipt of the order.
- (ii) For the above said purpose, the Tahsildar, Vridhachalam, and the Deputy Surveyor, Vridhachalam, are impleaded as the third and fourth respondents respectively and memo of parties be amended accordingly, the learned Special Government Pleader having accepted notice for the newly impleaded respondents.
- (iii) In case any encroachment on the land of the first respondent is found, action in accordance with law will be taken for removal of the encroachment, after notice to all concerned, and the proceedings concluded within a maximum period of two months of such inspection.

The petition, accordingly, stands disposed of. No costs.
Consequently, M.P.Nos.1 and 2 of 2014 are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Assistant Divisional Engineer
Highways, Vridhachalam
Cuddalore.
2. The Executive Officer
Arulmighu Virudhagirishwar Thirukoil
Vridhachalam, Cuddalore.
3. The Tahsildar
Vridhachalam
Cuddalore.
4. The Deputy Surveyor
Vridhachalam
Cuddalore.

+ 1 cc to M/s. V. Ragavachari, Advocate Sr.68001
+ 1 cc to M/s Government Advocate Sr.68489

W.P.No.15770 of 2014

CNR(CO)
EU 15.10.16

WEB COPY