

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.14714 of 2013

and

M.P.No.2 of 2013

1.G.Jothiraj

2.J.Kavitha

.. Petitioners

-vs-

1.The District Collector,
Collector Office,
Tirupur, Tirupur District.

2.The President,
Somavarapatti Panchayat,
Udumalpet Taluk,
Tirupur District.

3.The Superintending Engineer,
Highways Department,
Coimbatore District.

4.The Divisional Engineer,
Highways Department,
Pollachi,
Coimbatore District.

5.The Assistant Divisional Engineer,
Highways Department,
Udumalpet Taluk,
Tirupur District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records of respondent No.5 in relation to the impugned notice dated 13.5.2013 which was received by the petitioners on 15.05.2013 and quash the same and consequently, direct the respondents not to evict the petitioners from their house bearing Door No.6/150, Pollachi Main Road, Pedhappampatti,

Udumalpet Taluk, Tirupur District, except under the due process of law.

For Petitioners	:	No Appearance
For Respondents	:	Ms.Vasudha Thiagarajan
		Addl. Government Pleader

ORDER

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

The petitioners claim to be residing at the house bearing Door No.6/150, Pollachi Main Road, Pedhappampatti, Udumalpet Taluk, though they have no patta for the land in question.

2. The counter-affidavit of the respondent shows that the land is a Highways property and was required for widening of the road and for further improvement of junction to cater to the needs of the traffic condition and intensity. 47 encroachments were found and notices were issued to all the encroachers. 44 encroachers have removed their encroachments themselves, while the petitioners are stated to have resisted and filed W.P.No.19228 of 2009, which was disposed of with a direction to follow the procedure adopted under Section 28 of the Tamil Nadu Highways Act. It is in view thereof, notice dated 13.5.2013 was issued and the petitioners have not filed any objection thereto, but filed the present writ petition. The final notice is stated to have been issued on 23.5.2013.

3. None appears for the petitioners.

4. We have perused the writ petition and the counter-affidavit.

5. In view of the facts set out in the counter-affidavit, it is quite apparent that the petitioners are encroachers and the encroached area is required by the Highways Department for its project. While others appear to have complied and been removed, the petitioners have been resisting the same without having any right.

6. We, thus, find no merits in this petition and accordingly, dismissed. No costs. Consequently, M.P.No.2 of 2013 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

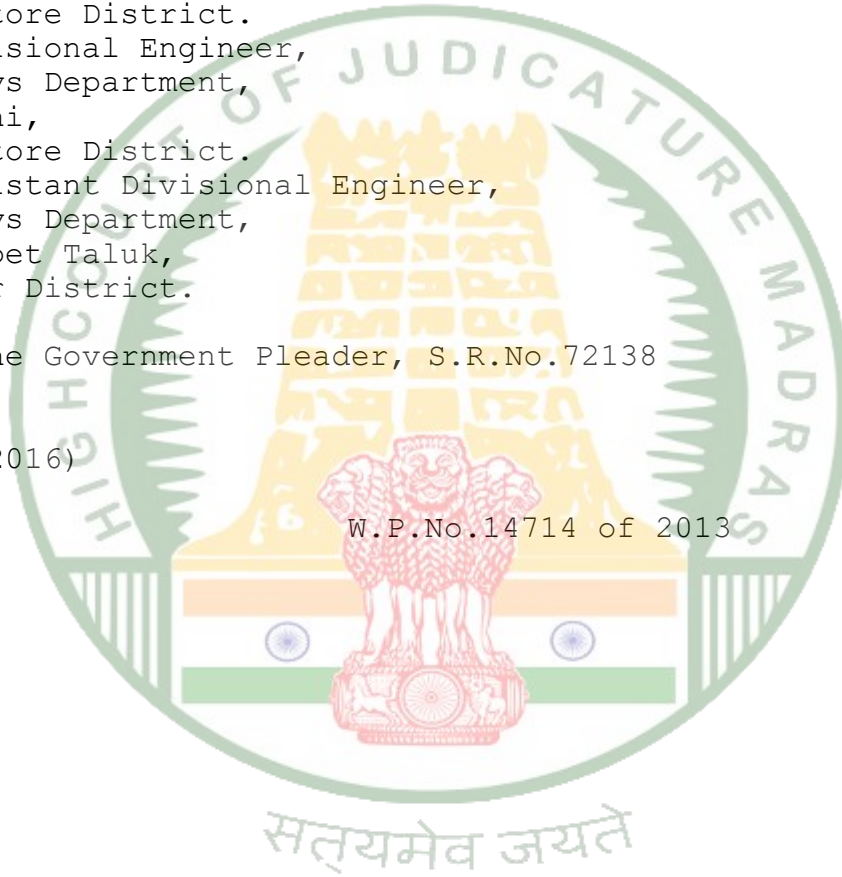
To

- 1.The District Collector,
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- 5.The Assistant Divisional Engineer,
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Tirupur District.

+1cc to the Government Pleader, S.R.No.72138

KJI (CO)
SK(21/12/2016)

W.P.No.14714 of 2013



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