

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.07.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice R.MAHADEVAN

W.P.No.14939 of 2013

C.Kasi

... Petitioner

Versus

1. The Government of Tamilnadu,
rep. by its Secretary,
Highways Department,
Secretariat, Fort St.George,
Chennai 8.

2.The District Collector,
Thiruvannamalai District
Thiruvannamalai.

3.The Superintendent of Police
Thiruvannamalai District.

4.The Divisional Engineer,
Highways Department,
214, Tindivanam Road,
Thiruvannamalai Town,
Thiruvannamalai District.

5.The Assistant Divisional Engineer,
Highways Department,
Office of Assistant Divisional Engineer,
Chengam Town and Taluk,
Thiruvannamalai District.

6. The Tahsildar,
Chengam Taluk, Chengam,
Thiruvannamalai District.

7.B.Linga Durai @ Idea

8.P.Kalavathi

9.S.Prabhakaran

10.Kommaanthai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus, directing the respondents 4 and 5 to remove the permanent structures put up by the respondents 7 to 10 aside the State Highways, SH-133, Polur to Chengam Road, Thiruvannamalai, particularly at S.No.30 of Munnur Mangalam Village, Chengam Taluk, Thiruvannamalai District, more specifically at the South side Highway stretch of petitioner's land in S.No.16/2 of the same Village, with the assistance of 2nd, 3rd and 6th respondents by initiating proceedings under Sections 26 and 49 and all other provisions applicable under Tamilnadu Highways Act, 2001 and other orders prevailing thereto.

For Petitioner ::: Mr.Purushothaman

For Respondents ::: Mr.S.T.S.Murthi

Government Pleader

assisted by

Mr.V.Shanmugasundar

Government Advocate for R.1 to R.6

Mr.M.Veluchamy for R.7

O R D E R

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

The petitioner claims that the shops set up by the 7th to 10th respondents next to the State Highways are unauthorized and should not be so permitted.

2. Learned Government Pleader states that the Divisional Engineer, Highways Department/ 4th respondent will look into the matter and if there is any unauthorized encroachment found, remove the same in accordance with law within one month of the receipt of this order.

3. The aforesaid statement is taken on record.

4. The Assistant Engineer is present in Court and we have expressed strongly our view qua the inaction which take place and the failure of Officers to perform their duties resulting in petitions being filed in Court. We have repeatedly emphasised that unauthorized construction should not be removed only where the courts intervene, but it is the bounden duty of the authority to perform their tasks, failing which department should take departmental action against such officers.

5. The 4th respondent/Divisional Engineer shall keep this aspect in mind in future.

6. The writ petition stands disposed of, leaving the parties to bear their own costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

1. The Secretary, Highways Department,
Secretariat, Fort St.George, Chennai 8.
 - 2.The District Collector, Thiruvannamalai District, Thiruvannamalai.
 - 3.The Superintendent of Police, Thiruvannamalai District.
 - 4.The Divisional Engineer, Highways Department,
214, Tindivanam Road,Thiruvannamalai.
 - 5.The Assistant Divisional Engineer,
Highways Department, Office of Assistant Divisional Engineer,
Chengam Town and Taluk, Thiruvannamalai District.
 6. The Tahsildar, Chengam Taluk, Chengam,Thiruvannamalai District.
- +1 cc to Mr.P.G.Thiyagu, Advocate,sr.41784
+1 cc to Govt.Pleader,sr.41571.

bvr(co)
krd 3/8

W.P.No.14939 of 2013

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