

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.9042 of 2016

Santha Jayalakshmi

Petitioner

Vs.

- 1 The District Collector
Salem
- 2 The Chief Engineer
National Highways
Construction and Maintenance
Ezhilagam
Chennai 600 009
- 3 The Tahsildar
Omalur
- 4 The Divisional Engineer
National Highway Department
Construction and Maintenance
Sangagiri Road
Edapady, Salem
- 5 The Supervising Engineer
National Highway
Construction and Maintenance
Salem Steel Plant Bypass Road
Salem
- 6 The Executive Officer
Omalur Primary Municipality
Omalur
- 7 The Village Administrative Officer
Omalur
- 8 The Village Administrative Officer
Kottamotupatti Village
Omalur

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to consider the representation dated 15.09.2015 to remove the encroachment in Survey Numbers 55,58,77,85,82,69, 60, 33 and 32 in Kottamatupatti Village and in Survey No.182, 187 and 188,

Omalur Village forming part of the Omalur Bus Stand and its abutting roads.

For petitioner Mr. G. Suryanarayanan

For RR 1 to 5 & 7 & 8 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

For R6 Mr. R. Rajendra Narasimhan
Government Advocate

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents 1 to 5, 7 and 8. Mr. R. Rajendra Narasimhan, learned Government Advocate, accepts notice for the sixth respondent. With consent, this writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondents to consider the petitioner's representation dated 15 September 2015 qua removal of encroachments in Survey Numbers 55, 58, 77, 85, 82, 69, 60, 33 and 32 in Kottamatupatti Village and in Survey No. 182, 187 and 188, Omalur Village forming part of the Omalur Bus Stand and its abutting roads.

3 According to the petitioner, she is a resident of Omalur Taluk, Salem District. Complaining that there are widespread encroachments made by shopkeepers in Omalur Bus Stand abutting the Salem National Highway and also in various survey numbers in the adjoining places of Kottamattupatti Village and Omalur Village, occupying nearly 20% of the road width, the petitioner addressed a representation to the respondents on 15 September 2015, seeking removal of those encroachments. Since no orders have been passed in the said representation, the petitioner has come up with the instant writ petition, seeking the aforestated relief.

4 Considering the limited scope of the relief sought by the petitioner, without going into the merits of the case, we direct the authorities concerned to consider and pass orders on the petitioner's representation dated 15 September 2015 on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. We also make it clear that it is for the authorities to identify the persons who have made the alleged encroachments and take consequential action, if need be, after notice to them and ensure that the public pathway and the National Highway in question are free from encroachments.

The writ petition stands disposed of with the above direction and observation. Costs made easy.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The District Collector
Salem
- 2 The Chief Engineer
National Highways
Construction and Maintenance
Ezhilagam Chennai 600 009
- 3 The Tahsildar
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Kottamotupatti Village
Omalur

- 1 cc to Government Pleader, Sr. 15754
1 cc to Mr.G. Suryanarayanan, Advocate, Sr. 15360

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SKV (CO)
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