

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2016

CORAM:

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

W.P. No.9983 of 2016

Ranga Reddy

Petitioner

Vs.

1 The District Collector
Thiruvannamalai
Thiruvannamalai District

2 The Tahsildar
Thiruvannamalai
Thiruvannamalai District

3 The Divisional Engineer
No.214, Dindivanam Road
Navakarai
Thiruvannamalai Town
Thiruvannamalai District

4 Alli

5 Ravichandran

6 Krishnan

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to remove the illegal encroachment made by respondents 4 to 6 on the Manalurpet to Thiruvannamalai Highway abutting Survey No.50/2 situated at Keezh Anakarai Village, Nallavanpalayam Post, Thiruvannamalai Taluk and District.

For petitioner

Mr. R. Rajarajan

For RR 1-3

Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the official respondents. Notice to the private respondents is dispensed with at this stage, inasmuch as no order prejudicial to their interest is passed in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Special Government Pleader, the writ petition is taken up for final hearing, at the admission stage itself.

2 By this petition, the petitioner seeks a writ of mandamus to the official respondents to remove the alleged illegal encroachment made by the private respondents on the Manalurpet to Thiruvannamalai Highway, abutting Survey No.50/2 situated at Keezh Anakarai Village, Nallavanpalayam Post, Thiruvannamalai District.

3 At the outset, it is pertinent to point out that it is the responsibility of the authorities to ensure that encroachments are not permitted. It is brought to our notice that an attempt is being made by some persons, including the official respondents, to make encroachment in the Manalurpet to Thiruvannamalai Highway, as aforestated.

4 We are afraid that on the basis of the aforestated allegation, we cannot issue any positive direction to the authorities. However, as it is the obligation of the authorities to ensure that the National Highways, including the Government land, are not encroached by private parties, the authorities are directed to consider and pass appropriate orders on the petitioner's representations dated 25 January 2016 and 29 January 2016, on their own merits and in accordance with law, as expeditiously as possible. Needless to state that an opportunity of hearing be afforded to the alleged encroachers, including the private respondents, before taking consequential action, if need be.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

cad

To

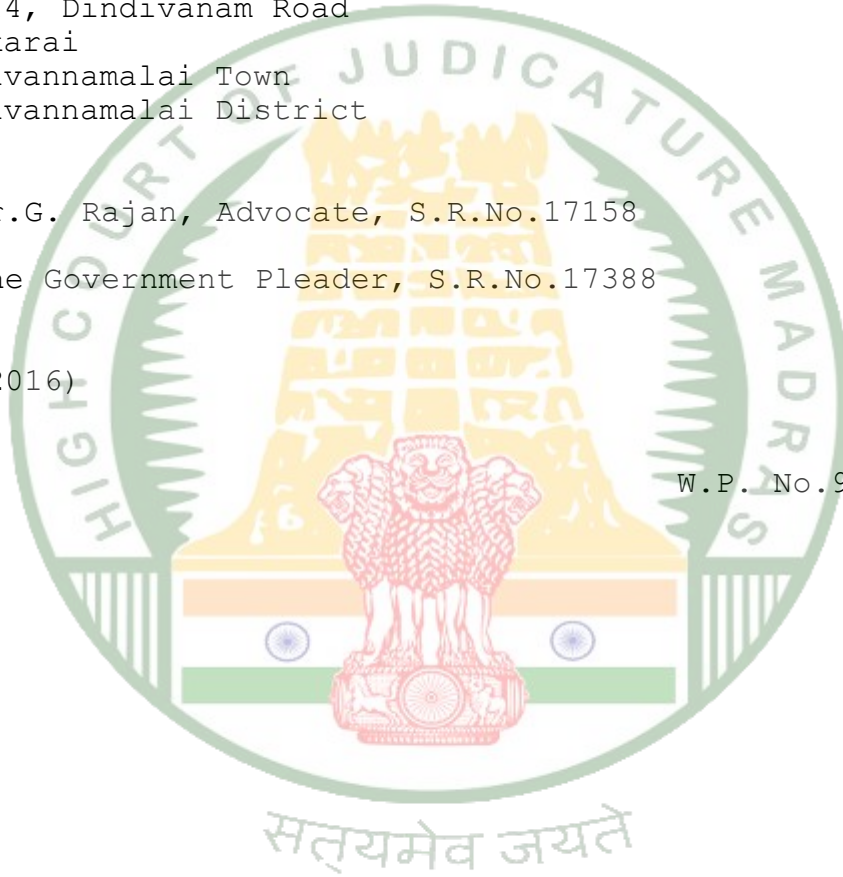
- 1 The District Collector
Thiruvannamalai
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- 2 The Tahsildar
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- 3 The Divisional Engineer
No.214, Dindivanam Road
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Thiruvannamalai District

+1cc to Mr.G. Rajan, Advocate, S.R.No.17158

+1cc to the Government Pleader, S.R.No.17388

CTK(CO)
EU(30/03/2016)

W.P. No.9983 of 2016



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