



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P (MD) No.23134 of 2015

M.HARIHARASUDAN PROPRIETOR OF
HOTEL GOWRI KRISHNA 24 NAVALAR NAGAR 1ST
STREET S.S.COLONY MADURAI-16.

.. PETITIONER

Vs.

- 1 THE COMMISSIONER,
MADURAI CORPORATION, ANNA MAALIGAI,
ALAGARKOIL ROAD, MADURAI-2.
- 2 THE MEMBER SECRETARY,
MADURAI LOCAL PLANNING AUTHORITY,
ANNA MALIGAI, ALAGARKOIL ROAD, MADURAI-2.
- 3 THE PROJECT DIRECTOR,
NATIONAL HIGHWAYS AUTHORITY OF INDIA,
OFFICE OF THE DEPUTY GENERAL MANAGER CUM
PROJECT DIRECTOR,
PROJECT IMPLEMENTATION UNIT -
MADURAI.NO.83/1 SBI 1ST COLONY
EXTENSION BYE PASS ROAD,
MADURAI-625 016.
- 4 THE TAHSILDAR,
TIRUPARANKUNDRAM TALUK OFFICE,
MADURAI-625 005.
- 5 R.KARMEGAM
S/O. RAMACHANDRAN 14 V.O.C. STREET ARUL
NAGAR BY PASS ROAD MADURAI-625 016.
- 6 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS AUTHORITY, ALAGAR KOIL ROAD,
MADURAI-2.

.. RESPONDENTS



Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third and fourth respondents to evict the 150 sq. feet of encroached building in S. No.226/4C now Resurveyed 226/3B1 in Madakulam Village Tiruparankundram Taluk Bye Pass Road Madurai (opposite to Tamil Nadu State Road Transport Regional Office).

For Petitioner : Mr.M.Ajmal Khan
senior counsel for Mr.S.Manoharan
For Respondents: Mr.R.Murali for R1
Mr.M.Govindan for R2, R4 and R6
Spl. Government Pleader
Mr.Vinayagamoorthy for R5
Mr.G.R.Swaminathan for R3

ORDER

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner has come up with this writ petition seeking a direction to the respondents 3 and 4 to remove the encroachment made by the 5th respondent on the Highways poramboke land comprised in S.No.226/4C and resurveyed 226/3B1 at Madakulam Village in Tirupparankundram Taluk, Bye pass road, Madurai District.

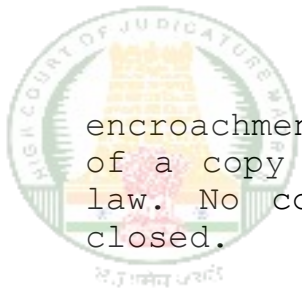
2. We have heard the learned senior counsel for the petitioner, the learned Special Government Pleader for the respondents 2, 4 and 6, the learned counsel appearing for the respondents 1,3 and 5.

3. According to the petitioner, the land comprised in S.No.226/4C is a poramboke land, which belongs to the Highways Department.

4. The learned Special Government Pleader would also say that it belongs to the Highways Department. But it is stated that the 5th respondent has encroached upon the same and constructed a building, where he is running a law office. The learned Special Government Pleader would further submit that the official respondents will conduct survey and if it is found that there is any encroachment, the same would be removed. The said statement is recorded.

5. The learned counsel for the 5th respondent would submit that he has not encroached upon the land belongs to the Highways Department.

6. In view of the above submissions, we dispose of the writ petition with a direction to the official respondents to survey the land and if it is found that there is any encroachment on the Highways Land, the official respondents shall remove the said



encroachment within a period of two months from the date of receipt of a copy of this order by following the procedure established by law. No costs. Consequently connected Miscellaneous Petitions are closed.

WEB COPY

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

- 1 THE COMMISSIONER,
MADURAI CORPORATION, ANNA MAALIGAI,
ALAGARKOIL ROAD, MADURAI-2.
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MADURAI-625 005.
 - 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS AUTHORITY,
ALAGAR KOIL ROAD, MADURAI-2.
- + 1 CC TO Mr.V.VINAYAGA MOORTHY, ADVOCATE IN SR No. 67199
+ 1 CC TO Mr.S.MANOCHARAN, ADVOCATE IN SR No. 67269
+ 1 CC TO Mr.R.MURALI, ADVOCATE IN SR No. 67597
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 67953

RR

TE/SK-SKN/SAR-III : 15/11/2016 : 3P/10C

ORDER MADE IN
W.P (MD) No.23134 of 2015
09.11.2016