



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2016

CORAM :

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.23882 of 2016

and

W.M.P (MD) No.17218 of 2016

G.Arokkiyasamy

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Chief Engineer,
Highways, Chennai.

3.The Superintending Engineer,
Highways, Madurai.

4.The Divisional Engineer,
Highways, Madurai 625 002.

5.The Divisional Engineer,
Highways, Division 2, Project 1,
Baskara Complex,
(Behind Old RDO Complex),
Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to remove the encroachment of shops in the appurtenant land of highways authorities in front of the petitioner's house in plot Nos.1 & 2 comprised in UDR S.No.26/1B1A and R.S.No.26/1 situated in Vilankudi Village, I - bit, Madurai North Taluk, Madurai District to have right to access to road.

For Petitioner

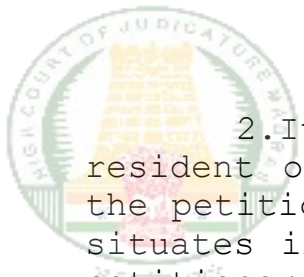
: Mr.J.William Christopher

For Respondents

: Mr.M.Govindan,
Special Government Pleader.

O R D E R

This Writ Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents to remove the alleged encroachment which is in existence in Highways road.



2.It is averred in the petition that the petitioner is a resident of Income Tax Colony, Madurai. Further it is averred in the petition that there is an encroachment in Highways road, which situates in Palamedu main road. Under the said circumstances, the petitioner has given so many representations to the concerned authorities and no fruitful action has come out and therefore, the present petition has been filed for getting the relief sought therein.

3.Mr.M.Govindan, learned Special Government Pleader takes notice for the respondents.

4.The learned counsel appearing for the petitioner has reiterated the averments made in the petition.

5.The learned Special Government Pleader appearing for the respondents has represented that only after surveying the disputed area, the alleged encroachment can be found out.

6.Considering the divergent representations made on either side, this Court is of the view to pass the following order.

7.In fine, this writ petition is allowed without cost. The respondents are strictly directed to measure the disputed area and if there is any encroachment, directed to remove the same within a period of two months under due process of law and if necessary, after giving notice to the concerned persons. Consequently, WMP (MD)No.17218 of 2016 is closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

- 1.The District Collector, Madurai District.
- 2.The Chief Engineer, Highways, Chennai.
- 3.The Superintending Engineer, Highways, Madurai.
- 4.The Divisional Engineer, Highways, Madurai 625 002.
- 5.The Divisional Engineer, Highways, Division 2, Project 1, Baskara Complex, (Behind Old RDO Complex), Madurai.

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RL/6C/2P/EM/MPA/SAR3/27.12.2016

W.P(MD) No.23882 of 2016 and
W.M.P (MD)No.17218 of 2016