



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.24389 of 2016

M.Chandra

.. Petitioner

Vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Divisional Engineer,
National Highways Department,
Tirunelveli, Tirunelveli District.

3.The Assistant Divisional Engineer,
National Highway Department,
Kadayanallur Division,
SM Complex, Tenkasi,
Tirunelveli District.

4.The Special Officer/Commissioner,
Kadayanallur Municipality,
Municipality Office, Kadayanallur,
Tenkasi Taluk, Tirunelveli District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to remove the encroachments made on the either side of the National Highway 208 (Kollam to Tirumangalam Road) near to Kamarajar Memorial New Bus Stand, Kadayanallur, Tenkasi Taluk, Tirunelveli District based on the representations dated 31.05.2016 and 16.12.2016 within the time stipulated by this Court and thereafter proceed the eviction process against the petty shop of the petitioner located near the Kadayanallur Government Hospital Gate.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents : Mr.M.Govindan,
1 to 3 Special Government Pleader.

For Respondent No.4 : Mr.P.Srinivas,
Standing Counsel.

ORDER

[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents to remove encroachments made on Highways Road margins from Kollam to Tirumangalam near Kamarajar Memorial New Bus Stand, Kadayanallur, Tenkasi Taluk, Tirunelveli District and other places, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Malampattai Road, Pettai, Kadayanallur. Further it is averred in the petition that so many encroachments have been made on the margins of Highways Road mentioned in the petition. Under the said circumstances a representation has been given on 31.05.2016 and another representation has been given on 16.12.2016 to the concerned authorities. But they have not taken effective steps and therefore the present writ petition has been filed for getting the relief sought therein.

3.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents 1 to 3 and Mr.P.Srinivas, learned Standing Counsel, has taken notice for the fourth respondent.

4.The learned Special Government Pleader appearing for the respondents 1 to 3 has represented that the petitioner has also made encroachment to certain extent along with others and the authorities have taken proper steps to remove all encroachments.

5.Considering the nature of the relief sought in the writ petition and also considering the representation made on the side of the respondents 1 to 3, this Court is of the view to pass the following order.

6.In fine, this writ petition is allowed without costs and the respondents 1 to 3 are strictly directed to remove all encroachments which are in existence in the roads mentioned in the petition within a period of two months under due process of law.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,
Tirunelveli District, Tirunelveli.



2.The Divisional Engineer,
National Highways Department,
Tirunelveli, Tirunelveli District.

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3.The Assistant Divisional Engineer,
National Highway Department,
Kadayanallur Division,
SM Complex, Tenkasi,
Tirunelveli District.

4.The Special Officer/Commissioner,
Kadayanallur Municipality,
Municipality Office, Kadayanallur,
Tenkasi Taluk, Tirunelveli District.

+One cc to The Special Government Pleader, SR.No.82330

+One cc to Mr.P.Srinivas, Advocate, SR.No.82424

+One cc to Mr.Ananth C.Rajesh, Advocate, SR.No.81976

smn

RL/8C/3P/SKN/5.1.2017

ORDER MADE IN
W.P (MD) No.24389 of 2016

20.12.2016