

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.3.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

Writ Appeal Nos.243 to 247 of 2017

V.D.Manohar	..	Appellant in W.A.No.243/17
C.Kanninathan	..	Appellant in W.A.No.244/17
Pastor Jeyakumar	..	Appellant in W.A.No.245/17
Arumugam	..	Appellant in W.A.No.246/17
M.James	..	Appellant in W.A.No.247/17
Vs.		
1.The Collector Vellore District Vellore.		
2.The Tahsildar Arakkonam Vellore District.		
3.The Assistant Divisional Engineer Arakkonam Highways Department Vellore District.		Respondents .. in all W.As.

Appeals under Clause 15 of Letters Patent filed against the order dated 17.8.2016 made in W.P.Nos.29978, 29980, 29981, 29982 and 29983 of 2014.

Writ Prayer:- These Writ Petitions have been filed to issue a Writ of Mandamus, directing the third respondent to consider the representation of the Petitioner, dated 15.10.14, 25.10.2014, 17.10.2014, 25.10.2014, 17.10.2014 respectively, and to direct the second respondent to grant patta.

For Appellants : Mr.E.Omprakash, S.C.
For Mr.D.Parvendan

For Respondents : Mr.P.Sivashanmugasundaram
Spl. Govt. Pleader

C O M M O N J U D G M E N T

(Delivered by the Hon'ble Acting Chief Justice)

These writ appeals are directed against the orders of the learned single Judge dated 17.8.2016 made in W.P.Nos.29978, 29980, 29981, 29982 and 29983 of 2014 respectively.

2. Heard Mr.E.Omprakash, learned senior counsel appearing for the appellants. Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader takes notice for the respondents.

3. The appellants herein have encroached the Ocheri Salai, Krishnam Pettai, Arakkonam, Vellore District and therefore, they were issued with notice under Section 28(2)(ii) of the Tamil Nadu Highways Act, pursuant to which the appellants chose to file writ petitions and thereafter, they withdrew the same. Again, they have filed writ petitions and the same were dismissed by the learned single Judge, recording the statement of the respondents that orders had been passed for removing the encroachments.

4. It appears that this Court one Seeyon Nala Thambi, filed W.P.No.24783 of 2010 seeking to remove the encroachments made over the Krishnampet-Ocheri Road, Arakkonam, Vellore District. This Court, by order dated 21.8.2014, observing that the authorities could not find four years to remove the encroachments made in the Highways, directed the official respondents to inspect the site and remove the encroachment, if any, after putting all parties to notice, within a period of one month. Thereafter, the said Seeyon Nala Thambi filed Contempt Petition No.3413 of 2014 to punish the official respondents for their wilful disobedience of the order dated 21.8.2014. Since it was submitted that the order has been complied with, the contempt petition was closed.

5. In view of the above, we do not find any reason to interfere with the order of the learned single Judge. Accordingly, these writ appeals are dismissed.

6. However, since it is submitted that the appellants are still in possession of the area in question, the respondent

authorities are directed to remove the encroachments, if had not already been done, after issuing notice to the appellants and after proper identification and demarcation of encroachment. Such exercise shall be completed within a period of ten days from the date of receipt of a copy of this order.

In the result, the writ appeals are dismissed with the above directions. There shall be no order as to costs. Consequently, CMP Nos.3937, 3939, 3940, 3941 and 3942 of 2017 are closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

kpl

To

- 1.The Collector
Vellore District
Vellore.
- 2.The Tahsildar
Arakkonam
Vellore District.
- 3.The Assistant Divisional Engineer
Arakkonam
Highways Department
Vellore District.

+5ccs to M/S. D. Parvandan, Advocate Sr. 14800
+1cc to the Government Pleader, Sr. 74705

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SK(CO)
VRF(05/04/2017)