

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

THE HONOURABLE MR. JUSTICE N. SESHASAYEE
W.P.No.27782/2017

1. Mr.R.Dayaraman @ Dayaraman Reddiar
2. Dr.K.Balaji

Petitioners

Vs

1. The District Collector,
Kanchipuram District,
Kanchipuram.
2. The Tahsildhar,
Madurantakkam Taluk,
Madurantakkam, Kanchipuram District.
3. The National Highways Authority of India,
Regional Office, Sri Towers,
DP-34 (SP), Industrial Estate,
Guindy, Chennai - 600 032
4. Sadagopan
5. Manogaran
6. Fathima W/o.Jeeva

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents 1 to 3 to take immediate action and stern action on our representations dated 12.07.2017 and to remove the illegal encroachments made in the form of shop buildings, political party flags with platform and hoardings in the National Highway 45 Bukkathurai Koot Road at Pazhamathur Village nearly 7 kms after Chengelpet Town made in front of our above properties comprised in S.No.310/2-B and 309/1-A of Pazhamathur Village, Madurantakkam Taluk, Kanchipuram District and to protect the National Highways from future encroachments.

For Petitioners:M/s.N.Nagu Sah

For Respondents:Mr.A.N.Thambidurai,

Special Government Pleader
for R1 and R2

Mrs.S.R.Sumathy For R3

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2 and Mrs.S.R.Sumathi, accepts notice on behalf of 3rd respondent.

2 The petitioners claim that they are the absolute owners of the land admeasuring to an extent of 5 ares i.e.12 cents or 5232 Sq.ft comprised in S.No.310/2-B of Pazhamathur Village and the 1st petitioner claims to be the absolute owner of the land admeasuring to an extent of 80 cents in S.No.309/1A and both the lands are situated at Pachamathur village, Madurantakkan Taluk, Kanchipuram District. The 1st petitioner claims title to the said lands through a registered Exchange Deed bearing document No.13147 of 2006 and a registered Sale Deed bearing document No.1312 of 2004 registered on the file of the office of the Joint II Sub Registrar, Chengelpet.

3 The 1st petitioner would claim that the lands owned by him is located adjacent to the National Highways NH45, Bukkathurai Koot Road at Pazhamathur Village nearly 7 kms after Chengelpet Town. The grievance expressed by the petitioners is that, the private respondents 4 to 6 had encroached upon the portion of the National Highways just in front of the property adjacent to the compound wall and had illegally constructed superstructures and the political parties had also put up flag marks very adjacent to the said land and in this regard, representations have been submitted to respondents 1 to 3 dated 12.07.2017 and though, it was received on 17.07.2017, no action has been taken so far and therefore, the petitioners came forward to file the present writ petition.

4 Mr.N.Nagu Sah, learned counsel appearing for the petitioner has invited the attention of this Court to the typed set of documents especially photographs available in Page No.13 to 15 and would submit that very closely to the National Highways unauthorised structure and the flag marks of the political parties have come in place and despite the said fact is being brought to the knowledge of the concerned officials of National Highways, no steps have been taken so far and therefore, the petitioners are constrained to approach this Court by filing this writ petition.

5 The learned counsel appearing for the 3rd respondent would submit that the representation submitted by the petitioner will be considered in accordance with law and after putting all the encroachers on notice, appropriate action will be taken to remove the same within a stipulated time.

7 Mr.A.N.Thambidurai, learned Special Government Pleader appearing on behalf of respondents 1 and 2 would submit that if any law and order problem is apprehended, the revenue Administration as well as the Superintendent of Police, Kancheepuram District will extend their maximum co-operation and the said submission is also placed on record.

8 This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 3rd respondent to put the respondents 4 to 6 and other encroachers on notice and thereafter, shall take appropriate action to remove the encroachment in accordance with law within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the respondents 4 to 6 and other encroachers. The Revenue Administration as well as the Superintendent of Police, Kancheepuram District in the event of 3rd respondent apprehending any law and order problem, shall extend their maximum co-operation to do the said exercise.

9 The writ petition stands disposed of with the above direction. No costs.

10 The 3rd respondent shall file a compliance report along with the photographs on 08.11.2017.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Kanchipuram District,
Kanchipuram.
2. The Tahsildhar,
Madurantakkam Taluk,
Madurantakkam, Kanchipuram District.
3. The National Highways Authority of India,
Regional Office, Sri Towers,
DP-34 (SP), Industrial Estate,
Guindy, Chennai - 600 032.
4. The Superintendent of Police,
Kancheepuram District.

Copy to:-

The Section Officer
Writ Section, High Court
Madras.

+ 1 cc to M/s. N. Nagu Sah, Advocate SR.76977

+ 1 cc to Government Pleader SR.77200

+ 1 cc to Mr. S.R.Sumathy, Advocate Sr.76409(18.12.2017)

W.P.No.27782/2017

NRI (CO)
EU(18/12/2017)

सत्यमेव जयते

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