

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.Nos.17751 to 17754/2017

M.Selvakumar .. Petitioner in WP.No.17751/2017
G.Vinoth .. Petitioner in WP.No.17752/2017
M.Chinnavelappan .. Petitioner in WP.No.17753/2017
M.K.Kandasamy .. Petitioner in WP.No.17754/2017

Vs

1. The District Collector
State Highway 96, Opp.District Court
Palayapalayam, Erode, Erode District.
2. The Divisional Engineer
Highways Department, Erode.
3. The Divisional Engineer
Highway Department, Gobichettipalayam.
4. The Tahsildar
Anthiyur Taluk, Anthiyur.
5. The Tahsildar
Gobichettipalayam. .. Respondents in all WPs

Common Prayer:- Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 2nd to 5th respondents to comply with the order dated 06.04.2017 issued in Na.Ka.No.7501/2017/U2 by the Review Committee, Erode, within time frame.

For Petitioners in
all the writ petitions : Mr.T.V.Sureshkumar for
M/s.Genicon Associates

For Respondents in
all the writ petitions : Mr.A.N.Thambidurai, Spl.GP

COMMON ORDER

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

By consent, this writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents in the above writ petitions.

2. The grievance expressed by the petitioners is that, despite the proceedings of the Erode District Review Committee/Proceedings of the District Revenue Officer dated 06.04.2017 in Na.Ka.No.7501/2017/U2 indicating that there are encroachments in respect of the lands in Survey Nos.420, 421, 422/2, 430 and 432 belongs to Highways Department and since no action has been taken and hence, the petitioners came forward to file the present writ petition.

3. The learned counsel for the petitioners has invited the attention of this Court to the above said proceedings and would submit that the lands comprised in the above said survey numbers, situated in Athani Village, Anthiyur Taluk, Erode District, belong to Highways Department and in spite of a positive direction to remove the encroachments being passed, no action whatsoever is being taken and therefore, the petitioners are constrained to approach this Court by filing the above writ petitions.

4. Per contra, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents would submit that expeditious and appropriate orders will be passed based on the above said proceedings of the Review Committee.

5. This Court has considered the rival submissions and also perused the typed set of documents.

6. A perusal of the proceedings of the Review Committee dated 06.04.2017 would reveal among other things that a direction has been given to the Tahsildars of Anthiyr and Gobichettipalayam to identify the encroachments, give them alternate accommodation and thereafter, remove the encroachments and they were called upon to submit a report and insofar as the lands belonging to the Highways Department is concerned, it is stated that in case of any unobjectionable encroachments, necessary proposals have to be forwarded and regarding objectionable encroachments, it can be removed and the Deputy Superintendent of Police, Bhavani, and Gobichettipalayam, are directed to accord sufficient police protection. The petitioners had also submitted representations dated 15.04.2017

and 18.04.2017 respectively to the respondents and the 1st respondent vide communication dated 25.05.2017 had directed the respondents 2 and 3 to do the needful.

7. In the light of the above facts and circumstances, this Court directs the respondents 2 to 5 to take cognizance / note of the proceedings of the Erode District Review Committee / District Revenue Officer dated 06.04.2017 in Na.Ka.No.7501/2017/U2 and take appropriate action in accordance with law as expeditiously as possible and not later than twelve weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioners as well as to the encroachers.

8. The writ petitions stand disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

AP

To

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State Highway 96, Opp.District Court
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2. The Divisional Engineer
Highways Department, Erode.
3. The Divisional Engineer
Highway Department, Gobichettipalayam.
4. The Tahsildar
Anthiyur Taluk, Anthiyur.
5. The Tahsildar
Gobichettipalayam.

+8cc to M/s.Genicon Associates, Advocate, S.R.No.49243
+1cc to the Government Pleader, S.R.No.49657

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KJ(CO)
CS/02/08/17