

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.28196 of 2017

R.Balashanmugam

..Petitioner
Versus

1.The Divisional Engineer,
Highways Department,
1371 A/1, Highways Colony,
Gopalapuram,
Coimbatore - 641 018.

2.The Commissioner of Police,
Tiruppur.

3.The Commissioner,
Corporation of Tiruppur,
Kumaran Road,
Tiruppur.

...Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the respondents herein to consider the representation dated 29.08.2017 sent by the petitioner within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan
For Respondents : Mr.S.Diwakar,
learned Spl.G.P. (for RR1 & 2)
Mr.T.C.Gopalakrishnan (for R3)

O R D E R

The petitioner has come forward with this writ petition to direct the respondents herein to consider the representation dated 29.08.2017 sent by the petitioner within a stipulated period.

2. The case of the petitioner is that he is carrying the business of selling and servicing Two Wheeler make, viz., Honda at S.F.No.43/5A, Gandhi Road, Avinashi Road, Near Periyar Colony, Tiruppur. It is stated that six months back, some people put up fish and chicken stall on the edge of the road and doing

business without obtaining any license and prevented the ingress and egress to the petitioner's shop. The waste of the fish and chicken are being strewn all over the places causing bad odour and health hazard. Hence, the petitioner made representations on 27.07.2017 and 29.08.2017 to take necessary action against the unauthorized and unlicensed fish and chicken vendors. As no action was taken, the present writ petition is filed with the prayer stated supra.

3. It is represented by the learned counsel for the 3rd respondent that there are encroachments in the Highways and they are going to issue notice to them.

4. This Court, in several cases, observed that there shall not be any encroachment or construction in the Road margins, OSR lands, Parks, Water bodies and no construction is made without set back (eventhough land belongs to the petitioner, if any set back is not left, it will amount to illegal construction).

5. Since the property in question vests with the Highways Department, after issuing notice to the encroachers and hearing the complainants on the issue of encroachment, the decision shall be taken on the said representation dated 29.08.2017, on merits and in accordance with law. Such exercise shall be completed within a period of one month from the date of receipt of a copy of this order.

6. With the above observations and direction, the writ petition is disposed of. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

pvs

To

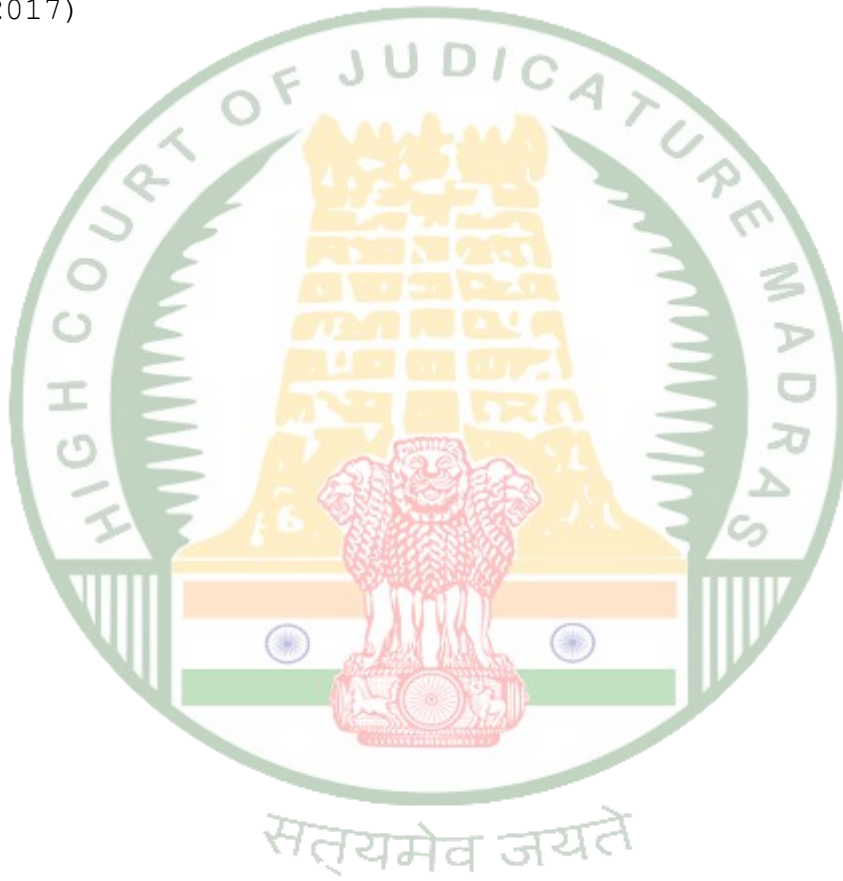
1.The Divisional Engineer,
Highways Department, 1371 A/1, Highways Colony,
Gopalapuram,
Coimbatore - 641 018.

2.The Commissioner of Police,
Tiruppur.

+1 CC to Mr.K. Goviganesan, Advocate sr 83523.
+1 CC to The Spl. Govt. Pleader sr 84255.

W.P.No.28196 of 2017

MR (CO)
SP (19/12/2017)



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