

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.29486/2017

A.Basheer Ahmed

.. Petitioner

Versus

1.The Project Director

The Tamil Nadu Road Sector
Project-II, TNMB Building,
I Floor, No.171 South Kesavaperumalpuram,
Greenways Road, Raja Annamalaipuram,
Chennai 600 028.

2.The Superintending Engineer

The Tamil Nadu Road Sector
Project-II, TNMB Building,
I Floor, No.171 South Kesavaperumalpuram,
Greenways Road, Raja Annamalaipuram,
Chennai 600 028.

3.The Zonal Engineer [Highways]

Tamil Nadu Road Sector Project-II
Kanchipuram, Kanchipuram District.

4.The District Collector

The Office of District Collector
Villupuram, Villupuram District.

5.The Special Tahsildar

Tamil Nadu Road Sector Project-II
Revenue Divisional Office Campus
Thiruvannamalai,
Tiruvannamalai District.

6.The Tahsildar

The office of Tahsildar
Gingee, Gingee Taluk
Villupuram District.

7.Mr.Devakadatcham

8.Mr.Munusamy @ Karvannan

..

Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the respondents 1 to 6 to consider and pass orders on petitioner's representation dated 22.07.2017 submitted for requesting necessary action against the illegal construction and encroachment made by the 7th and 8th respondents along the Gingee-Villupuram Highway in the land bearing survey No.79 of Ottambattu village in Gingee - Villupuram Highway.

For Petitioner : Mr.V.R.Appaswamee
For RR 1 to 6 : Mr.M.Digvijaya Pandian, AGP

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.M.Digvijaya Pandian, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 6.

2 The petitioner claims to be a resident of Mattaparai village, Mathur Post, Gingee Taluk, Villupuram District along with his family and according to him, the land admeasuring to an extent of 54 ares comprised in S.No.79 of the Ottampattu village in Gingee-Villupuram Highway, comes within the purview of the Tamil Nadu Road Sector Project-II of the Highways Department and the said land has been acquired for widening the road under the said Project. It is the claim of the petitioner that the respondents 7 and 8 had encroached upon a portion of the said land and had put up a construction and after taking out the possession of the land, the superstructure was also demolished and however, the Highways Department failed to protect the possession and as a consequence, the respondents 7 and 8, once again, had encroached upon the land and started using it. It is also the specific case of the petitioner that on account of the said encroachment, the canal draining the rain water came to be blocked completely and as a consequence, the stagnated water has entered upon his field in S.No.91/2 and as a result, he suffered crop loss of Rs.2 lakhs. The petitioner, in this regard, has submitted representations dated 10.02.2017 ; 12.04.2017 and 22.07.2017 respectively and despite receipt and acknowledgement, no action has been taken so far and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3 Heard the learned counsel for the petitioner and Mr.M.Digvijaya Pandian, learned Additional Government Pleader appearing for the respondents 1 to 6 and also perused the materials placed before it.

4 Though the petitioner has prayed for a larger relief, 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 respondents 1 to 3 and 5, to put the petitioner as well as the respondents 6 to 8 on notice and thereafter, consider and dispose of the petitioner's representation dated 22.07.2017 on merits and in accordance with law and pass appropriate orders within a period of eight 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 6 to 8 herein.

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

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

AP
To

- 1.The Project Director
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5.The Special Tahsildar
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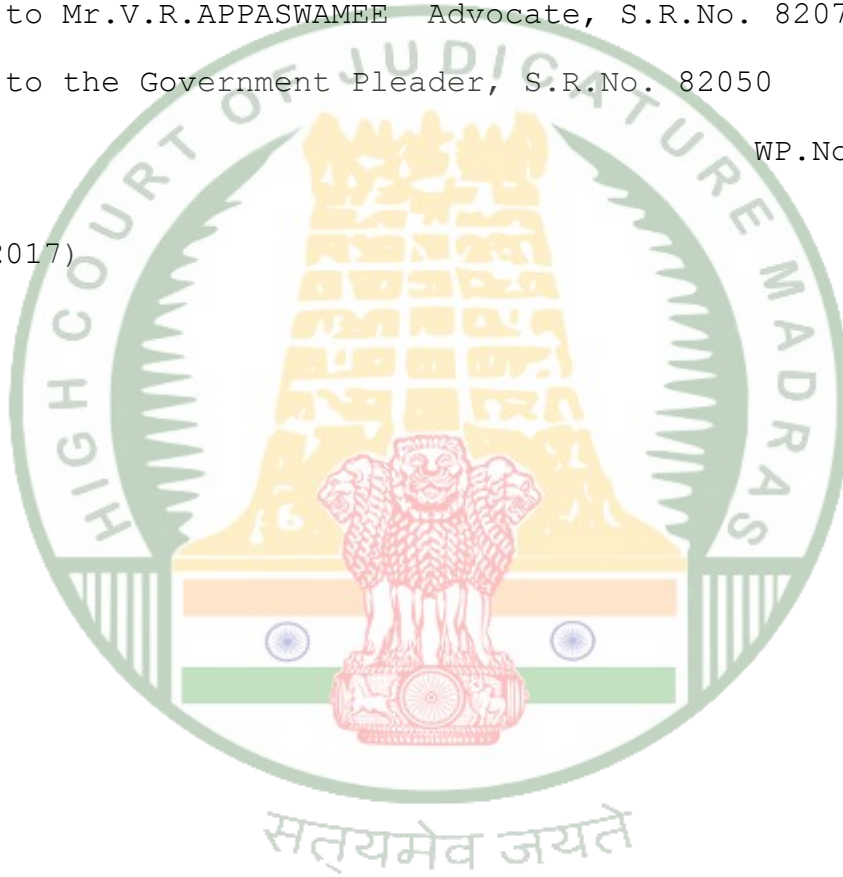
6.The Tahsildar
The office of Tahsildar
Gingee, Gingee Taluk
Villupuram District.

+1cc to Mr.V.R.APPASWAMEE Advocate, S.R.No. 82078

+1cc to the Government Pleader, S.R.No. 82050

WP.No.29486/2017

TR(06/12/2017)



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