



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.11834 of 2017

K.K.C.Balaganesan

.. Petitioner

Vs.

1.The Union of India,
rep.by its Secretary,
Department of Road Transport and Highways,
Union Secretariat,
New Delhi.

2.The Chairman,
National Highways Authority of India,
G-5 & 6, Sector 10,
Dwarka, New Delahi - 110 075.

3.The Supervising Engineer,
Regional Office,
NHAI, Sri Tower 3rd floor,
DP - 34, SP Industrial Estate,
Gundy, Chennai - 32.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to remove all the encroachments made on both sides of the National Highways which are running within the State of Tamilnadu within a stipulated period as fixed by this Court by considering the petitioner's representation dated 15.06.2017.

For Petitioner	: Mr.S.M.Anantha Murugan
For R - 1	: Mr.N.Shanmugaselvan
For RR - 2	: Mr.S.Arul Vadivel @ Sekar

ORDER

[Order of the Court was made by **A.SELVAM, J.**]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to direct the respondents to remove all encroachments made on both sides of National Highways running in the State of Tamil Nadu within the stipulated period by way of issuing a Writ of Mandamus.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Mr.N.Shanmugaselvan, learned counsel has taken notice for



the first respondent and Mr.S.Arulvadivel @ Sekar, learned Standing Counsel has taken notice for the second respondent.

3.It is represented on the side of the second respondent that there is no Supervising Engineer in Regional Office and only Project Director is available. Under the said circumstances, notice need not be sent to the third respondent.

4.The learned counsel appearing for the petitioner has repeatedly contended to the effect that on both sides of National Highways, throughout the State of Tamil Nadu, so many encroachments are in existence and for the purpose of removing the same, a representation has been given on 15.06.2017, but the same has not been considered.

5.The learned Standing counsel appearing for the second respondent has contended to the effect that the second respondent is ready to give proper direction to subordinates for removing encroachments which are in existence on National Highways.

6.Considering the submissions made on the side of the petitioner as well as on the side of the second respondent, this Court is inclined to pass the following order:

"In fine, this Writ Petition is allowed without cost. The second respondent is strictly directed to remove encroachments if any under due process of law."

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

TO

1.The Union of India,
rep.by its Secretary,
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Union Secretariat,
New Delhi.

2.The Chairman,
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DP - 34, SP Industrial Estate,
Gundy, Chennai - 32.

+1cc to Mr.N.Shanmugaselvan Advocate in SR. No.62650

+1cc to Mr.S.M.Anantha Murugan Advocate in SR. No.62599

+1cc to Mr.S.Arul Vadivel @ Sekar Advocate in SR. No.62602