



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.1530 of 2017

Arumugaraj

.. Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Taluk Office, Sathankulam,
Thoothukudi District.

3.The Block Development Officer,
Sathankulam,
Thoothukudi District.

4.The Assistant Divisional Engineer,
Highways Department,
Sathankulam,
Thoothukudi District.
[The fourth respondent is impleaded vide
order dated 22.02.2017 made in
W.M.P (MD) No.1895 of 2017].

.. 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 encroachments from the both sides of High Way at Mudalur Village, Dharmapuri, Sathankulam Taluk, Thoothukudi District on the basis of the decision taken in the Peace Committee Meeting held on 03.09.2014 at the second respondent office.

For Petitioner : Mr.R.Murugappan

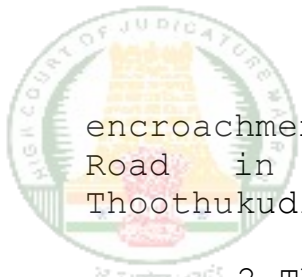
For Respondents : Mr.M.Govindan,
Special Government Pleader.

ORDER

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

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

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents to remove



encroachments which are in existence on both sides of Highways Road in Mudalur Village, Dharmapuri, Sathankulam Taluk, Thoothukudi District, by way of issuing a writ of mandamus.

2.The learned counsel appearing for the petitioner has contended to the effect that in respect of removal of encroachment a Peace Committee Meeting has been conducted, wherein it is resolved to remove all encroachments and instead of the resolution taken by the Peace Committee Meeting, encroachments have not been removed and therefore the present writ petition has been filed for getting the relief sought therein.

3.The main contention putforth on the side of the petitioner is that on both sides of Highways Road in the place mentioned in the petition, so many encroachments are available.

4.Considering the fact that on both sides of Highways Road in the place mentioned in the petition encroachments are available, this Court is of the view to pass the following order.

5.In fine, this writ petition is allowed without costs and the fourth respondent is directed to conduct proper survey with the assistance of Government records and if there is any encroachment directed to remove the same under due process of law within a period of two months.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Thoothukudi District, Thoothukudi.

2.The Tahsildar,
Taluk Office, Sathankulam,
Thoothukudi District.

3.The Block Development Officer,
Sathankulam, Thoothukudi District.

4.The Assistant Divisional Engineer,
Highways Department,
Sathankulam, Thoothukudi District.

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No. 11573/2017.

SMN

PSM/CM-MSA/07.03.2017/2P/6C