



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.17284 of 2017

S.Bala Murugan

.. Petitioner

Vs.

1.The District Collector,
Sivagangai District.
Sivagangai.

2.The Superintendent of Police,
Sivagangai District,
Sivagangai.

3.The Deputy General Manager
cum Project Director,
National Highways Authority of India (NHAI),
Karaikudi,
Sivagangai District.

4.The Superintending Engineer (H),
Office of the Superintending Engineer,
Madurai Circle,
Alagarkovil Road,
Madurai.

5.The Inspector of Police,
Thirupuvanam Police Station,
Thirupuvanam,
Sivagangai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to remove the unused small structure situated at S.F.No.11/2 Manalur Village, Thirupuvanam Taluk, Sivagangai District and safe guard the passengers and pilgrims who are using Madurai to Rameswaram Four way road based on the petitioner's representation dated 15.07.2017 within the period that may be stipulated by this Court.

For petitioner

: Mr.K.Neelamegam

For R1,R2, R4 & R5

: Mr.T.S.Mohamed Mohideen

Additional Government Pleader

: Mr.C.Arul Vadivel @ Sekar



O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

The writ petitioner has filed this petition in public interest. His grievance is that there is an unused small building in S.F.No.11/2, Manalur Village, Thirupuvanam Taluk, Sivagangai District, which is not being removed and as a result the project of laying four line Highways from Madurai to Rameshwaram is being stalled. He gave a representation on 15.07.2017 in this regard.

2. Today when the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1, 2, 4 and 5 stated that even though attempts were made to serve on the interested parties, there was no one to respond and therefore, the notice for removal of the structure was affixed on the building in question. It is also submitted by the learned Standing Counsel appearing for NHAI that the structure in question is situated in the middle portion of the road. The authorities have already allocated a certain sum payable to the owners of the building. It is stated by the learned Additional Government Pleader that a trust is claiming to be the owner of the building in question. It was originally a place of worship, but it is no longer used by the general public and it has become an abandoned one. It is a clear from the fact that the notice could not be served on the interested persons. In any event, if it is an impediment for laying of the National Highways, it has to be necessarily removed. We therefore direct the respondents 3 and 4 to remove the structure in question that is situated at S.F.No.11/2, Manalur Village, Thirupuvanam Taluk, Sivagangai District, within two weeks from the date of receipt of a copy of this order. The first and second respondents are directed to extend their assistance for carrying out the demolition work. If needed, sufficient police force shall be provided for carrying out the work of removal of the structure in question.

3.This writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Sivagangai District.
Sivagangai.



2.The Superintendent of Police,
Sivagangai District,
Sivagangai.

3.The Superintending Engineer (H),
Office of the Superintending Engineer,
Madurai Circle,
Alagarkovil Road, Madurai.

4.The Inspector of Police,
Thirupuvanam Police Station,
Thirupuvanam,
Sivagangai District.

+1cc to M/S.C.Arul Vadivel @ Sekar, Advocate SR.No. 79762

+1cc to M/S.K.Neelamegam, Advocate SR.No. 79440

+1cc to Special Government Pleader, SR.No. 79736

ORDER MADE IN
W.P. (MD) No. 17284 of 2017
18.09.2017

RMK/PJL

JM/SKN RSK/SAR 1/22.09.2017/3P/8C