



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.5660 of 2017

T.Muthupandi

.. Petitioner

Vs.

1.The District Collector,
Ramanathapuram District.

2.The Sub-Collector,
Paramakudi Taluk, Ramanathapuram District.

3.The Tahsildar,
Kadaladi, Ramanathapuram District.

4.The Divisional Engineer,
Highways (Construction & Maintenance), Ramanathapuram.

5.The Assistant Divisional Engineer,
Highways (Construction & Maintenance),
Mudukulathoor,
Ramanathapuram District.

.. Respondents

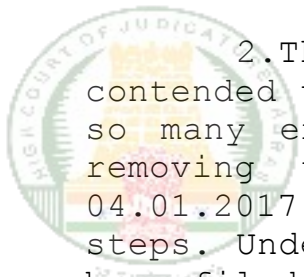
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to remove the encroachment in Uthira Kosamangai, Sevalpatti Road km 54/0 - 56/0 and to repair the road by considering the representations dated 19.12.2016 and 04.01.2017 made by the petitioner.

For Petitioner	: Mr.S.Satheesh Kumar
For Respondents	: Mr.M.Govindan, Special Government Pleader.

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 encroachments in Uthira Kosamangai, Sevalpatti Road, km 54/0 - 56/0 and repair the same on the basis of the representations dated 19.12.2016 and 04.01.2017, by way of issuing a Writ of Mandamus.



2.The learned counsel appearing for the petitioner has contended that on both sides of the road mentioned in the petition so many encroachments are in existence and for the purpose of removing the same, two representations dated 19.12.2016 and 04.01.2017 have been given, but the authorities have not taken any steps. Under the said circumstances, the present Writ Petition has been filed.

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3.The learned Special Government Pleader appearing for the respondents has contended that the petitioner has filed the present petition without furnishing proper survey number wherein alleged encroachments are in existence and therefore the relief sought in the Writ Petition cannot be granted.

4.The specific case of the petitioner is that in the road mentioned in the petition from km 54/0 to 56/0 encroachments are in existence. Since in the petition the above said particulars have been given, the Court can very well direct the authorities to remove encroachments and therefore the present Writ Petition is liable to be allowed.

5.In fine, this writ petition is allowed without costs and the respondents 3 and 4 are directed to conduct proper survey from km 54/0 to 56/0, Uthira Kosamangai, Sevalpatti Road and if there is any encroachment, the respondents 3 and 4 are directed to remove the same under due process of law within a period of two months.

Sd/-

Assistant Registrar(Protocol)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector, Ramanathapuram District.
 2. The Sub-Collector,
Paramakudi Taluk, Ramanathapuram District.
 3. The Tahsildar,
Kadaladi, Ramanathapuram District.
 4. The Divisional Engineer,
Highways (Construction & Maintenance), Ramanathapuram.
 5. The Assistant Divisional Engineer,
Highways (Construction & Maintenance),
Mudukulathoor, Ramanathapuram District.
- +1 cc to Mr.S.Satheesh Kumar, Advocate, SR.No.52653
+1 cc to Special Government Pleader, SR.No. 53108

ORDER MADE IN
W.P (MD) No.5660 of 2017
19.04.2017