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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.01.2017
CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.25022 of 2016
and
W.M.P (MD) No.18111 of 2016

Kumari Maha Sabha rep. by its
Secretary Sri.Jeyakumar Thomas,
#184/A, Joshua Street,
Opp.YMCA, Nagercoil - 629 001,
Kanyakumari District.

.. Petitioner

Vs.

- 1.The Union of India rep. by its
Secretary to Government,
Ministry of Road Transports & Highways,
Transport Bhavan, Sansad Marg,
New Delhi - 110 001.
- 2.The Chief Engineer,
Highways Department, PWD Department,
Kamarajar Salai, Chepauk,
Chennai - 600 005.
- 3.The Additional Director,
Office of the Land Survey Department,
PWD Department, Kamarajar Salai,
Chepauk, Chennai - 600 005.
- 4.The District Collector,
Collectorate, Nagercoil,
Kanyakumari District - 629 001.
- 5.The Divisional Engineer,
Office of the Divisional Engineer,
National Highways, Palayankottai,
Tirunelveli - 2.
- 6.The Assistant Divisional Engineer,
National Highways,
175, Joshua Street, WCC Road,
Nagercoil, Kanyakumari District - 629 001.



7.The Tahsildar,
Vilavancode Taluk,
Kuzhithurai, K.K.District - 629 163.

8.The Tahsildar,
Kalkulam Taluk, Padmanabhapuram,
Thuckalay, K.K.District - 629 175.

9.The Tahsildar,
Thovalai Taluk,
Kanyakumari District.

10.The Tahsildar,
Agastheswaram Taluk,
Kanyakumari 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 (i) to identify the land originally allotted to NH-47 and fix the boundaries by marking the land with metes and bounds; (ii) to identify the extent of land encroached on each side of NH-47; (iii) to identify the encroachers and illegal occupants; (iv) to take stringent legal action against the encroachers and illegal occupants to evict them and to deal with them in accordance with law; (v) to initiate proceedings to recover and redeem the encroached land from the transgressors and to impose penal liability on them in accordance with law; (vi) to take legal action against the errand officers who helped the encroachers in issuing pattas and creating revenue documents; (vii) to produce the original road map of NH-47 with sketch and proper measurements with other related documents before this Court and pass such further or other orders.

For Petitioner	: Mr.F.Deepak
For Respondents 2 to 10	: Mr.D.Muruganandam, Additional 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 identify the land originally allotted to NH-47 and fix boundaries and also to remove illegal encroachments, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is the Secretary of Kumari Maha Sabha, Kanyakumari District. Further it is averred in the petition that from Kanyakumari to Kaliakavilai, on both sides of National Highways so many encroachments are in existence and for the purpose of removing the same, a



representation dated 16.08.2016 has been given to the concerned authorities. But they have not taken any proper steps. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3. Mr. D. Muruganandam, learned Additional Government Pleader, has taken notice for the respondents 2 to 10.

4. The learned counsel appearing for the petitioner has contended to the effect that National Highways-47 is situated from Kanyakumari to Kaliakavilai and on both sides of the same so many illegal encroachments have been made and for the purpose of removing the same, a representation has been given to the concerned authorities, but the concerned authorities have not taken any proper steps and therefore the present writ petition has been filed for getting the relief sought therein.

5. Considering the nature of the relief sought in the writ petition and also considering the fact that already a representation has been given to the concerned authorities and no action has been taken, this Court is of the view to pass the following order.

6. In fine, this writ petition is allowed without costs and the respondents 1 to 10 are directed to measure NH-47 which starts from Kanyakumari to Kaliakavilai and if there is any illegal encroachment, directed to remove the same within a period of one month. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Ministry of Road Transports & Highways,
Government of India,
Transport Bhavan, Sansad Marg,
New Delhi - 110 001.

2. The Chief Engineer,
Highways Department,
PWD Department,
Kamarajar Salai,
Chepauk, Chennai - 600 005.



3.The Additional Director,
Office of the Land Survey Department,
PWD Department,
Kamarajar Salai,
Chepauk, Chennai - 600 005.

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4.The District Collector,
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10.The Tahsildar,
Agastheswaram Taluk,
Kanyakumari District.

+1cc to Mr.F.Deepak,Advocate Sr.No.31
+1cc to the Spl.Govt.pleader Sr.No.228

ORDER MADE IN
W.P (MD) No.25022 of 2016
and
W.M.P (MD) No.18111 of 2016
02.01.2017

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