



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **05.01.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**

and

THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P (MD) No.13824 of 2011

and

M.P (MD) No.1 of 2011

V.P.Jeyakumar

.. Petitioner

Vs.

1.The State of Tamil Nadu

rep. by its Secretary,

Municipal Administration Department,

Fort St. George, Chennai.

2.The District Collector,

Thoothukudi District,

Thoothukudi.

3.The Executive Officer,

Udangudi Selection Grade Town Panchayat,

Udangudi - 628 023,

Thoothukudi District.

4.The Divisional Engineer,

Department of Highways and Rural Administration,

Thoothukudi, Thoothukudi District.

5.Chidambaram

.. 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 1 to 4 to remove the encroachment made in S.No.502, Udangudi Village, Kulasekarapatnam Road, Udangudi classified as Highways Road and consequentially direct the respondents to ensure that the land comprised in S.No.502 not being used as burial ground.

For Petitioner

: Mr.C.Makesh Kumar

For Respondents 1 to 4

: Mr.R.Velmurugan,
Government Advocate.

For Respondent No.5

: Mr.V.Ramajegadeesan



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 encroachment made by the fifth respondent in Survey No.502, Udangudi Village, Thoothukudi District, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner is a resident of Paraman Kurichi, Thoothukudi District. In Udankudi Village, Survey No.502 has been classified as Highways Road, wherein the fifth respondent has made certain encroachments. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the petitioner has advanced his argument on the basis of averments made in the writ petition.

4.The learned counsel appearing for the fifth respondent has also contended to the effect that already a representation has been given to the second respondent for getting a burial ground and further even in Survey No.502, certain tombs are in existence and under the said circumstances the relief sought in the writ petition cannot be granted.

5.On the basis of divergent submissions made on either side, this Court has perused the relevant 'A' Register, wherein it has been clearly stated that Survey No.502 has been classified as Highways Road. Since Survey No.502 has been classified as Highways Road, the relief sought in the writ petition can be granted.

6.In fine, this writ petition is allowed without costs and the fourth respondent is strictly directed to remove encroachments if any in Survey No.502 after giving proper opportunity to encroacher(s) under due process of law within a period of two months. Consequently, connected Miscellaneous Petition is closed.

Sd/-

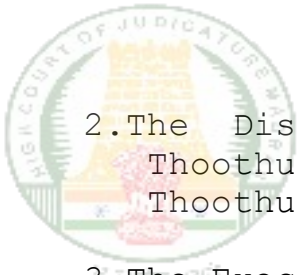
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Secretary,
Municipal Administration Department,
Tamil Nadu,
Fort St. George, Chennai.



2.The District Collector,
Thoothukudi District,
Thoothukudi.

3.The Executive Officer,
Udangudi Selection Grade Town Panchayat,
Udangudi - 628 023,
Thoothukudi District.

4.The Divisional Engineer,
Department of Highways and Rural Administration,
Thoothukudi, Thoothukudi District.

+1cc to Mr. D.SRINIVASA RAGAVAN, ADVOCATE, SR NO.950
+1cc to Mr. AJMAL ASSOSIATES SR NO.1042
+1 cc to Special Government Pleader Sr.875

smn
UM/GSV-SV/20.01.2017:3P-8C

ORDER MADE IN
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and
M.P (MD) No.1 of 2011
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