

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.04.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.11159/2018 & WMP.No.13097/2018

N.Stephen Devakumar

..

Petitioner

Versus

1.The District Collector
O/o.The District Collectorate
Gundu Salai Road, Cuddalore District
Cuddalore 607 001.

2.The Revenue Divisional Officer
Revenue Department
Cuddalore 607 001.

3.The Tahsildar
Cuddalore, Cuddalore District.

4.The Divisional Engineer/Assistant Engineer
Highways Department, Construction &
Maintenance, Cuddalore 607 001.

..

Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to survey the land being 59 feet width Highways road situate at Arisiperiyankuppam Road, Koothapakkam Village, Cuddalore Taluk, Cuddalore District, and fix the boundaries and also direct the respondents to evict the encroachers who are unauthorisedly occupying the 59 feet

width Highways Cuddalore-Thirukovilur-Sankarapuram Road running from 0.0 to 2.4 covering an area of 2.4 kms within a period of three weeks.

For Petitioner : Mr.E.Martin Jayakumar
For Respondents : Mr.R.Udhayakumar, AGP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up for final disposal. Mr.R.Udhayakumar, learned Additional Government Pleader accepts notice on behalf of the respondents.

2 The petitioner claims to be the owner of the land admeasuring to an extent of 4712 sq.ft., comprised in S.No.48/4, Plot No.4 and 5, Koothapakkam Village, through a registered Sale Deed bearing Doc.no.2222/2003 dated 11.09.2003, registered on the file of the office of the Sub Registrar, Cuddalore and after purchase, he had put up a superstructure and claims to be in possession of the same. The grievance expressed by the petitioner is that the encroachers had encroached upon the portion of the land belonging to the Tamil Nadu State Highways in Cuddalore-Thirukovilur-Sankarapuram Road Km 2/4 -Junction Road and in this regard, representations have been submitted to the officials concerned for removal of the encroachments. The Assistant Divisional Engineer, Highways, Construction and Maintenance, Cuddalore, the 4th respondent herein, vide his communication date 10.04.2017 in Letter

No.254/2017/,/t/m addressed to the 3rd respondent herein, requested the 3rd respondent to survey and measure the boundaries of the Highways by engaging the services of the Land Surveyor. The very same official also requested the Sub Collector, Revenue Department, Cuddalore, vide communication dated 13.07.2017 in Letter No.255/2017/,/t/m to treat it as a special case and with the help of the Surveyor, measure the boundaries of the Highways and give a report and repeated communications have emanated from the State Highways Department.

3 The grievance now expressed by the petitioner is that despite such a communication, no steps have been taken to measure the land in question to demarcate the boundaries of the State Highways Road and taking advantage of the same, many more encroachments are taking place and in this regard, the petitioner has also submitted representation dated 27.09.2017 to the 2nd respondent and despite receipt and acknowledgment, no action has been taken so far and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

4 The learned counsel for the petitioner has also drawn the attention of this Court to page No.27 of the typed set of documents which contains photographs and would submit that despite very many communications emanated from the officials of the State Highways, no steps are being taken to survey and measure the land and left with no

other option only, the petitioner is constrained to approach this Court by filing the present writ petition.

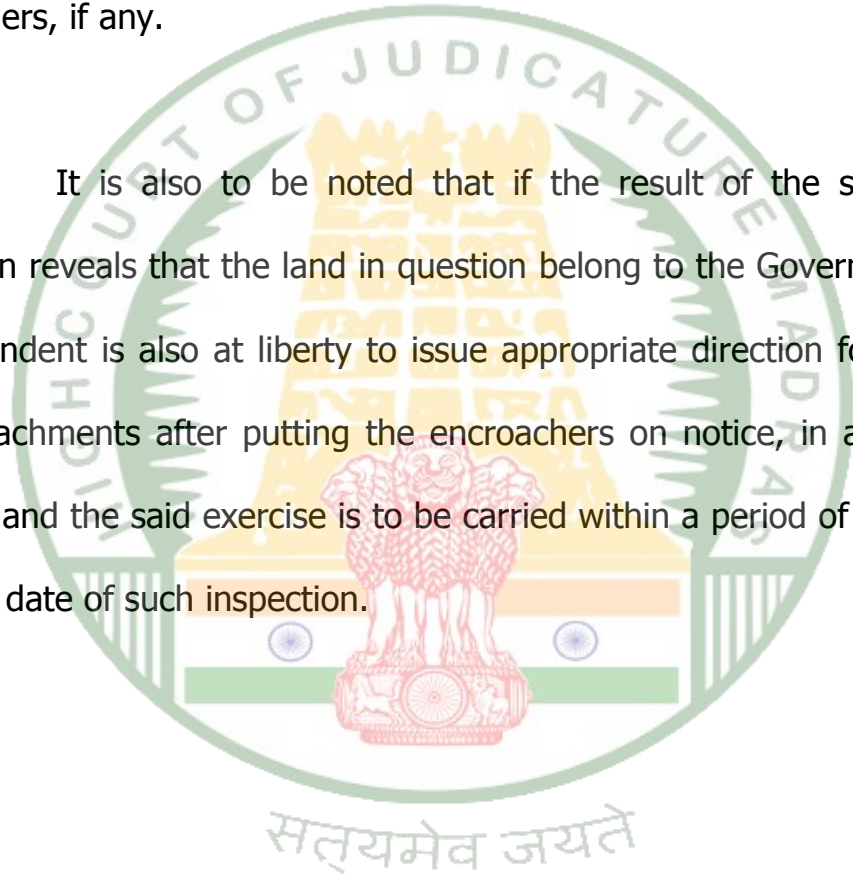
5 The Court heard the submissions of Mr.R.Udhayakumar, learned Additional Government Pleader appearing for the respondents and also perused the materials placed before it.

6 A perusal of the materials placed before this Court in the form of typed set of documents, especially the photographs, would *prima facie* disclose that there appears to be encroachments on one side of the road and the officials of the Highways Department repeatedly sent communications for survey and measurement of the land to know about the boundaries and despite that, no action whatsoever has been taken and it also appears that revenue officials are totally insensitive about the alleged encroachments taking place on the public land.

7 This Court, taking into consideration, the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 3rd respondent along with the jurisdictional Surveyor, to cause inspection of the road ,viz., Arisiperiyankuppam Road, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the 4th respondent and if the result of the inspection reveals that the land in question belong to the

State Highways, the 4th respondent is directed to take appropriate action for removal of the encroachment in accordance with law, after putting the encroachers on notice, within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner as well as to the alleged encroachers, if any.

8 It is also to be noted that if the result of the survey and inspection reveals that the land in question belong to the Government, the 3rd respondent is also at liberty to issue appropriate direction for removal of encroachments after putting the encroachers on notice, in accordance with law and the said exercise is to be carried within a period of ten weeks from the date of such inspection.



WEB COPY

M.SATHYANARAYANAN, J.,

AND

P.RAJAMANICKAM, J.,

AP

9 The writ petition stands disposed of with the above direction.
No costs. Consequently, the connected miscellaneous petition is closed.

[MSNJ]

[PRMJ]

28.04.2018

Internet : Yes

AP

To

- 1.The District Collector
O/o.The District Collectorate
Gundu Salai Road, Cuddalore District
Cuddalore 607 001.
- 2.The Revenue Divisional Officer
Revenue Department
Cuddalore 607 001.
- 3.The Tahsildar
Cuddalore, Cuddalore District.
- 4.The Divisional Engineer/Assistant Engineer
Highways Department, Construction &
Maintenance, Cuddalore 607 001.

COPY To:-

The Taluk Surveyor
Cuddalore District.