

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.16861 of 2017

K.Tamilarasan

... Petitioner

vs.

1. The Government of Tamil Nadu,
rep. by its Secretary,
Highways Department,
Secretariat, Chennai 600 009.
2. The National Highways Authority of India,
O/o. The Central Government,
rep. by its Director,
No.1/54-28, Butt Road, Sri Tower,
SP Industrial Area, St. Thomas Mount,
Chennai 600 016.
3. The District Collector,
Tiruvallur District.
4. The Tahsildar,
No.32/4, State Highways 111,
West Garden, Natesan Nagar,
Madhavaram,
Chennai 600 060.
5. The Divisional Engineer,
O/o. The Divisional Engineer (Highways),
Thiruvallur Division,
Thiruvallur.

6. Bubalan

7. K.N.Sekar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the Respondents 1 to 5 to remove the encroachment at Survey No.200-B to an extent of 600 sq. ft. in Ambattur Highways - Redhills High Road (Chennai - Thirutani-Renigunda - NH 205) and the unauthorized construction made by

the 6th and the 7th Respondents herein.

For Petitioner	:	Ms.M.Ezhilarasi
For Respondents 1, 3, 4 & 5	:	Mr.A.N.Thambidurai, Special Government Pleader
For 2 nd Respondent	:	Ms.S.R.Sumathy
For Respondents 6 & 7	:	Mr.K.Balu

O R D E R

(Order of the Court was made by S.VAIDYANATHAN,J.)

The Petitioner has come up with the present Writ Petition seeking a direction to the Respondents 1 to 5 to remove the encroachment at Survey No.200-B to an extent of 600 sq. ft. in Ambattur Highways - Redhills High Road (Chennai - Thirutani-Renigunda - NH 205) and the unauthorized construction made by the 6th and the 7th Respondents herein.

2. When the matter is taken up for hearing, it is represented by the Learned Counsel for the Petitioner in W.M.P.No.4793 of 2018 in W.P.No.16861 of 2017 that the Petitioner in the said Miscellaneous Petition, viz. M.Egappan, who is seeking to implead himself as a party respondent to the above Writ Petition is the absolute owner of the land in question and that he has not been made a party to the proceedings.

3. It is stated that the building in question is an unauthorized one and that the Petitioner in W.M.P.No.4793 of 2018 in W.P.No.16861 of 2017, has encroached the Government land. Since the alleged violated portions are said to be demolished, which has been accepted by the contesting Respondents in the Writ Petition and that a statement is made across the Bar and that the Petitioner in W.M.P.No.4793 of 2018 in W.P.No.16861 of 2017, has also averred in his Affidavit that the violated portions have been removed, nothing further survives for adjudication in this Writ Petition.

4. Hence, this Writ Petition is closed with liberty to the parties to the Writ Petition to seek necessary relief before the appropriate forum in the manner known to law. It is made clear that if any litigation is initiated, the parties to this Writ Petition and W.M.P.No.4793 of 2018 in W.P.No.16861 of 2017,

shall be made as parties in the case to be filed. No costs. Consequently, connected W.M.P.No.18331 of 2017 and W.M.P.No.4793 of 2018 are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Secretary,
Government of Tamil Nadu,
Highways Department,
Secretariat, Chennai 600 009.
2. The Director,
National Highways Authority of India,
O/o. The Central Government,
No.1/54-28, Butt Road, Sri Tower,
SP Industrial Area, St. Thomas Mount,
Chennai 600 016.
3. The District Collector,
Tiruvallur District.
4. The Tahsildar,
No.32/4, State Highways 111,
West Garden, Natesan Nagar,
Madhavaram,
Chennai 600 060.
5. The Divisional Engineer,
O/o. The Divisional Engineer (Highways),
Thiruvallur Division,
Thiruvallur.

+1 cc to Mr.K.Sudalaikannu Advocates sr 16486
+1 cc to the Govt Pleader High Court Madras
sr 16307
+1 cc to mr.K.Balu Advocate sr 16097
+1 cc to Mrs.S.R.Sumathy Advocate sr 16090
+1 cc to Mr.P.Vijendran Advocate sr 15981

W.P.No.16861 of 2017

br(co)
aa23/03/2018