

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.No.1342 of 2018

1.Sivaganesh
S/o.K.P.Duraisamy

2.Sudha
W/o.K.P.Duraisamy
both represented by their
Power Agent
K.P.Duraisamy

.. Petitioners

Vs

1.The District Collector,
Erode District,
Erode.

2.The Revenue Divisional Officer,
Erode District,
Erode.

3.The Tahsildar,
Erode Taluk,
Now Modakurichi Taluk,
Erode District.

4.The Divisional Engineer,
Highways Department,
Moolapalayam,
Erode.

5.The Superintendent of Police,
Erode District,
Erode.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents 1 to 4 to remove the encroachments made on the highways poramboke in S.No.715 & 716 at Nanjaiuthukuli Village, Modakurichi Union, Erode District, in view of the order passed by the second respondent in Na.Ka.No.623/2017 A1 dated 28.02.2017.

For Petitioners : Mr.M.Guruprasad
For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader

ORDER

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

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader, appears for respondents.

2. The deponent of the petition is the Power of Attorney of his son, namely, Sivaganesh and his wife, namely, Sudha and according to him, his son and daughter-in-law had purchased lands in S.F.No.719/2, Nanjaiuthukuli Village, Modakurichi Unio, Erode District, through a registered sale deed dated 11.06.2007 and he is carrying on agricultural activities in the lands in

S.No.719/2, which is adjacent to State Highways. Petitioners have stated that almost 32 families have encroached upon the said lands of the State Highways, put up unauthorised constructions and thereby blocking/denying access to their lands in S.F.No.719/2. Petitioners, in this regard, submitted representations and despite the proceedings of second respondent dated 28.02.2017 in Na.Ka.623/2017/Aa1, no steps have been taken to remove the encroachment and therefore, they are constrained to approach this Court filing this writ petition.

3. The Writ Petition was entertained on 23.01.2018 and when it was listed for hearing on 19.03.2018, it was represented on behalf of official respondents that the encroachments in question would be removed tentatively by the fourth week of March, 2018 and police assistance has also been sought for in this regard. Therefore, the matter is listed today.

4. Mr.A.N.Thambidurai, learned Special Government Pleader, appearing for official respondents would submit that the typed set of papers which contain the list of encroachments numbering 16 and also the letter of the Divisional Engineer, Highways Department, Construction and Maintenance, Erode, addressed to the Chief Engineer, Highways Department, Construction and Maintenance, dated 21.04.2018 in Na.Ka.No.638/2018/Aa2 and would submit that as per the said communication, all the encroachments have been

removed and as such, nothing survives for further adjudication in this writ petition.

5. *Per contra*, learned counsel for petitioners would submit that though encroachments have been removed, some of them still remain there by putting up temporary thatched sheds.

6. Learned Special Government Pleader assures that there will not be any fresh or re-encroachments and the area in question will be maintained as encroachment free and the said submission, on instructions, is placed on record.

In the light of the said development, nothing remains for further adjudication in this writ petition. Therefore, the Writ Petition is closed.

सत्यमेव जयते

[M.S.N., J]

[P.R.M., J]

25.04.2018

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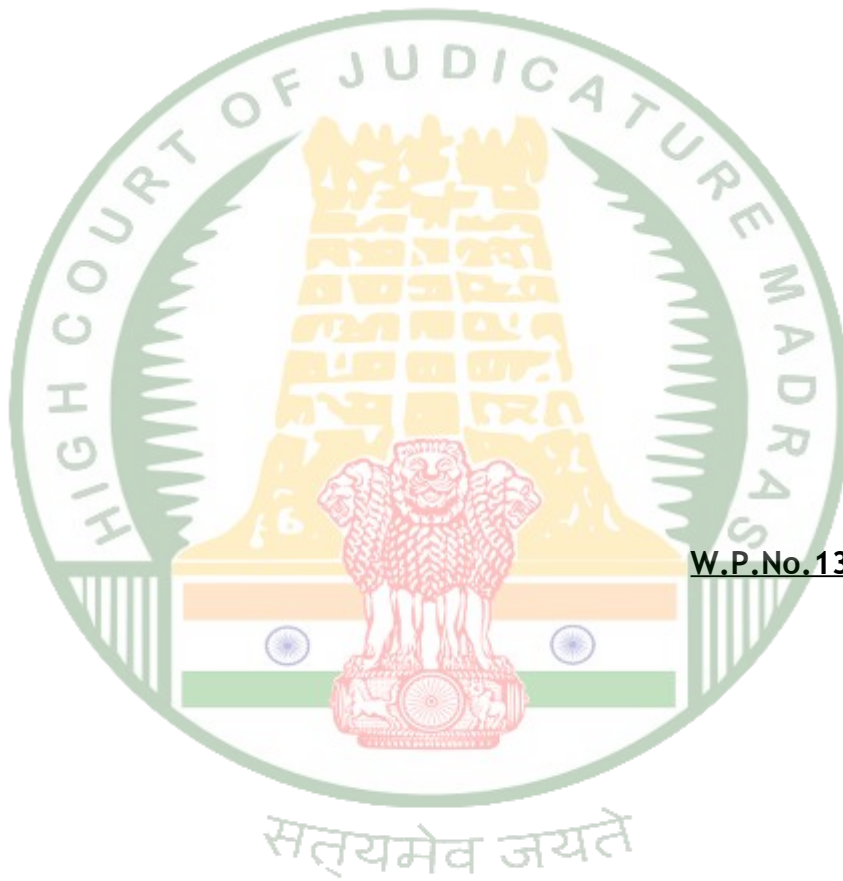
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