

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.07.2018

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WP.No.16822/2018

K.Lakshmanaperumal

.. Petitioner

Versus

1 The Project Director
National Highways Authority
No.212-3/D3-1, Sri Nagar Colony
Narasothipatty, Salem 636004.

2 The District Collector
Salem District, Salem.

3 The Revenue Divisional Officer
Salem District, Salem.

4 The Tahsildar
Valapady, Salem District.

5 The Superintendent of Police
Salem District, Salem.

6 The Deputy Superintendent of Police
Valapady, Salem District.

7 The Inspector of Police
Karipatti, Salem District.

8 Mr.Maduraiappan

9 Mr.K.Rajendran

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to remove the encroachments at Ayothiapattinam Village NH-68 [Old Road] Valapadi Taluk, Salem District in view of the petitioner representation dated 19.09.2015.

For Petitioner : Mr.A.Esakiappan
 For R1 : M/s.S.R.Sumathy
 For RR2 to 7 : Mr.A.N.Thambidurai, Spl.GP

ORDER

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

By consent, the writ petition is taken up for final disposal. M/s.S.R.Sumathy, learned counsel accepts notice on behalf of the 1st respondent and Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 2 to 7.

2 The present writ petition is filed as a Public Interest Litigation alleging that the respondents 8 and 9 for constructing "Samypatiyam" at Ayothiapatinam – NH 68 [Old Road], Valapady Taluk, Salem District and in this regard, the petitioner has submitted a representation dated 10.09.2015 and also invoked the jurisdiction of the Right to Information Act, 2005.

3 The learned counsel for the petitioner would submit that as per the communication of the 1st respondent dated 02.04.2018 in NHAI/PIU-SLM/NH-68/RTI Act/2018/504, the following reply has been furnished:-

"After inspecting the site, it was observed highway boundary demarcation is not available in the said old NH-68 in Ayothiyapattinam village. Hence, the Tahsildar, Valapady has been requested vide this office letter dated 22.01.2016 to mark the NH boundaries of NH-68 [old] road in Ayothiyapattinam village, Valapadi Talu, to enable to take up eviction of encroachment and unauthorised occupation.

.....

It is to state that after the boundaries marked by the Revenue Surveyors of Valapady Taluk, the encroachments if found, would be removed under intimation and coordination of local administration. Many times Police support is also required to remove the encroachments to tackle law and order problem or possible agitation."

4 The learned counsel for the petitioner would submit that despite the said request, the 4th respondent is yet to cause survey and inspection for the purpose of marking the boundary so as to enable the

concerned authority to remove the encroachment and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

5 The Court heard the submissions of M/s.S.R.Sumathy, learned counsel appearing for the 1st respondent and Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 2 to 7.

6 In the above facts and circumstances, the 4th respondent is directed to act on the communication of the 1st respondent dated 02.04.2018 and cause survey and inspection of National Highways boundaries of NH-68 [Old Road] in Ayothiyapattinam Village, Valapadi Taluk, Salem District, after putting the concerned persons including the respondents 8 and 9 on notice and the said exercise is to be carried out within a period of six weeks from the date of receipt of a copy of this order and the 4th respondent shall inform the result of the said survey and measurement to the 1st respondent within a period of four weeks thereafter and depending upon the report, the 1st respondent is directed to take action in accordance with law for removing the encroachment after putting them on notice and it is to be carried out within a further

period of eight weeks thereafter and the decision taken in that regard, shall be communicated to the petitioner ; respondents 8 and 9 as well as to the person/s concerned / encroachers, if any.

7 The writ petition stands disposed of with the above direction. No costs.

[MSNJ] [GKIJ]
06.07.2018

Internet : Yes
AP

To

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M.SATHYANARAYANAN, J.,
AND
G.K.ILANTHIRAIYAN, J.,

AP



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