IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated: 12.12.2018

CORAM
THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.32088 of 2018
and
W.M.P.No.37331 of 2018

K.S.Ganesan

... Petitioner

-Versus-

1.The District Collector,
O/o The Collectorate,
Namakkal District.

2.The District Revenue Officer /
Land Acquisition Officer,
District Collector Office Campus,
Namakkal.

3.The Divisional Engineer,
Tamil Nadu State Highways Department,
Namakkal District.

4.The Assistant Divisional Engineer,
Tamil Nadu State Highways Department,
Tiruchengode,
Namakkal District.

5.The Assistant Engineer,
Tamil Nadu State Highways Department,
Pallipalayam,
Namakkal District.

6.The Tahsildar (Land Acquisition),
District Collector Office Campus,
Namakkal District.

7.The Revenue Divisional Officer,
O/o the Revenue Divisional Officer,
Tiruchengode,
Namakkal District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the respondents from acquiring the petitioner's property comprised in No.20, Kokkarayanpettai Village, Natham Old S.No.142/1

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(part), New S.No.142/6, bearing Old D.No.6/27, New D.No.6/193 admeasuring to an extent of 0.0030.0 square meter without due process of law,on the basis of the petitioner's representation dated 29.11.2018.

For Petitioner : Mr.S.Viswanathan for M/s.Dass and Viswa Associates

For Respondents : Mr.C.Thirumaran, Spl. G.P. for R1 to R6

ORDER

This writ petition has been filed seeking a writ of mandamus forbearing the respondents from acquiring the petitioner's property comprised in No.20, Kokkarayanpettai Village, Natham Old S.No.142/1 (part), New S.No.142/6, bearing Old D.No.6/27, New D.No.6/193 admeasuring to an extent of 0.0030.0 square meter without following the due process of law.

2. According to the petitioner, he is the owner of the property in question and ever since the date of purchase, he has been in possession and enjoyment of the property by putting up construction on the same and letting out for rent for commercial purpose. While so, without any notice to him, the respondents 3 to 5 have been taking steps to evict him from the property unlawfully. Hence, this writ petition.

3. Earlier notice was ordered to the respondents. Today, when the matter was taken up for hearing, the learned Addl. Government Pleader, on instructions submitted that there are lot of encroachments on the road margin and since the Highways authorities had a proposal to construct storm water drainage on the right side of Tiruchengode - Kokkarayanpettai Road between 14/0-14/4 km under CRIDP 2018-19, on the request made by the Assistant Engineer, Highways Department, Pallipalayam, the revenue authorities have been taking steps to measure and demarcate the road. According to the learned Additional Government Pleader, after measurement and demarcation, if any encroachments are found, the same would be removed by following due process of law. The said statement is recorded.

4. In the light of the submissions made by the learned Additional Government Pleader this court is of the view that the apprehension of the petitioner that he would be evicted unlawfully is only misconceived. Recording the statement of the learned Additional Government Pleader, this writ petition is dismissed. However, after measurement and demarcation of the road, if it is found that there is encroachment on the road /

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road margin, it is always open to the appropriate authority to remove the encroachments by following the due process of law. No costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

kmk

To

1.The District Collector,
O/o The Collectorate,
Namakkal District.

2.The District Revenue Officer / Land Acquisition Officer,
Namakkal.

3.The Divisional Engineer,
Tamil Nadu State Highways Department,
Namakkal District.

4.The Assistant Divisional Engineer,
Tamil Nadu State Highways Department,
Tiruchengode, Namakkal District.

5.The Assistant Engineer,
Tamil Nadu State Highways Department,
Pallipalayam, Namakkal District.

6.The Tahsildar (Land Acquisition),
District Collector Office Campus,
Namakkal District.

7.The Revenue Divisional Officer,
O/o the Revenue Divisional Officer,
Tiruchengode, Namakkal District.

+1cc to M/s.Dass and Viswa Associates, Advocate, S.R.No.86137
+1cc to the Government Pleader, S.R.No.86259.

W.P.No.32088 of 2018

RK(CO)

rrs 04/02/2019

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