



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.03.2018

CORAM:
THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P (MD) No.5460 of 2018

S.Thambidurai

.. Petitioner

Vs.

- 1.The District Collector,
Karur, Karur District.
- 2.The District Revenue Officer,
Karur, Karur District.
- 3.The Tahsildar,
Manmangalam Taluk,
Karur District.
- 4.The Assistant Divisional Engineer,
Highway Departments, C & M, Karur.
- 5.The Executive Officer,
Vetamangala Panchayat,
Manmangalam Taluk,
Karur District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to remove the encroachments made by the residents of Periyar Nagar situated in northern side of road poramboke lying on the Southern side of the Veluthyampalayam to Kodumudi highway in Survey No.141 at the distance of the C to E (35.4 kms) by considering my representation dated 28.08.2014.

For Petitioner : Mr.MA.P.Thangavel

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

ORDER

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.MA.P.Thangavel, learned counsel, appearing for the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader, appearing for the respondents.



2. At the very outset, we wish to point out that the allegations made by the petitioner is that certain persons have encroached the poramboke land in Survey No.141 on the northern side of the road poramboke lying on the Southern side of the Velayuthampalayam to Kodumudi Highway. Distance in the state highway has been mentioned as 35.4 kms. The alleged encroachers have not been made as parties to the writ petition.

3. When we point out to the learned counsel for the petitioner, it is submitted that the petitioner is unable to pinpoint as to who are the encroachers staying there from the residents of Periyar Nagar, which is situated in the northern side of the road poramboke. As the petitioner is not able to pinpoint the encroachers, we cannot issue a positive direction as such the relief sought for by the writ petitioner in this Writ Petition.

4. We find that the petitioner has been submitting his representations since 2014 and one such representation dated 28.08.2014 to the District Collector was taken into consideration and has been forwarded to the third respondent / Tahslidar, Manmangalam Taluk, Karur District, vide proceedings of the District Collector in ஒ.பு.ஆ 1/13510/2014.

5. The learned counsel appearing for the petitioner would submit that though there have been subsequent representations made and the last of which, being considered by the first respondent, no action has been initiated till Friday (i.e., 19.03.2018). When the writ petition was filed before this Court, the learned counsel for the petitioner, on instructions, submitted that the Administrative Officer and other officials came to the spot and has measured the road.

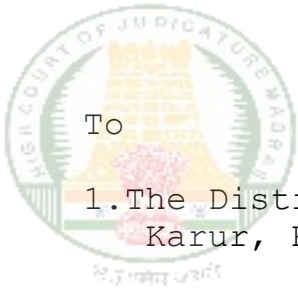
6. In the light of the stand taken by the learned counsel for the petitioner, it appears that the respondent now initiated action based on the petitioner's representations. Therefore it would suffice to direct the third respondent to take further follow-up action pursuant to the representation made by the petitioner and if any encroachments are found in the highway or in the margin of the highway, the fourth respondent shall issue notice to the encroachers and remove the encroachments in accordance with law within a period of one week from the date of receipt of a copy of this order.

7. With the above directions, the writ petition stands dispose of. No costs.

Sd/
Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar



To

1.The District Collector,
Karur, Karur District.

2.The District Revenue Officer,
Karur, Karur District.

3.The Tahsildar,
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Karur District.

4.The Assistant Divisional Engineer,
Highway Departments, C & M, Karur.

5.The Executive Officer,
Vetamangala Panchayat,
Manmangalam Taluk,
Karur District.

+1cc to Mr.MA.PA.THANGAVEL, Advocate, SR.No. 56133

+1cc to M/s.Special Government Pleader,SR.No.56545

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19.03.2018

TA

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