



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2018

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

Writ Petition (MD).No.23801 of 2017

N.Alagarsamy

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Project Director,
National Highways Authority of India,
Project Implementation Unit,
Kamadhenu Nagar,
Karur-1.

3.The Project Director,
National Highways Authority of India,
Project Implementation Unit,
NH-49, Madurai-Dhanushkodi Four Way Lane Project,
3rd Street,
Subramaniamapuram,
Karaikudi.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to remove the encroachments made by the Hotels, Shops and street vendors in the said poramboke land belongs to NH210 by considering the representation of the petitioner dated 15.04.2017.

For Petitioner : Mr.T.A.Punithan

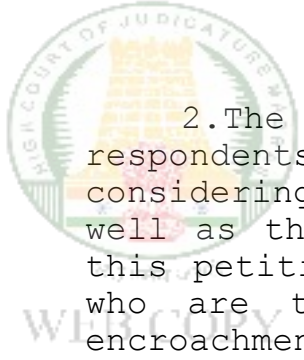
For Respondents 1 and 2: Mr.S.Dhayalan
Government Advocate

For Respondent No.3 : Mr.Arul Vadivel Sekar

ORDER

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

Heard Mr.V.R.Venkatesan, learned counsel appearing for the petitioner, Mr.S.Dhayalan, learned Government Advocate appearing for respondents 1 and 2 and Mr.Arul Vadivel Sekar, learned counsel appearing for the third respondent.



2.The petitioner has filed the writ petition, to direct the respondents to remove the encroachment in the National Highway by considering his representation. We have perused the writ petition as well as the averments stated in the affidavit filed in support of this petition and we find that there is no specific averment as to who are the encroachers and in which section of Highway the encroachment is found. The learned counsel for the respondents 2 and 3 submitted that the area which the petitioner mentions is not a National Highway, it is a State Highway.

3.As we find that the representation is absolutely vague, we are not inclined to issue any direction as sought for, more particularly, when the road in question is not a National Highway. In the light of the above, we direct the petitioner to give a detailed representation to the concerned authority (I.e) State Highways Department. The representation should clearly indicate as to what are the encroachments and in which section of the State Highways the encroachment is there, preferably, with photographs. In the representation, the petitioner should also specifically state as to where he is residing and what is his nature of employment or business activity done by him and as to why he has come forward with the representation to remove the encroachment. On receipt of such representation, the concerned authority shall take appropriate action in accordance with law.

4.With the above direction, the writ petition stands disposed of. No Costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector, Trichy District, Trichy.

2.The Project Director, National Highways Authority of India, Project Implementation Unit, Kamadhenu Nagar, Karur-1.

3.The Project Director, National Highways Authority of India, Project Implementation Unit, NH-49, Madurai-Dhanushkodi Four Way Lane Project, 3rd Street, Subramaniyapuram, Karaikudi.

+1CC to Mr.C.Vakeeswaran, Advocate, SR.No. 54114

+1CC to the Special Government Pleader SR.No.54557

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Mrn

<https://hcservices.courts.gov.in/hcservices/> AM/RRR/SAR 1/29.03.2018/2P/6C