

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.3771 of 2019 and
W.M.P.No.4166 of 2019

P.A.Thanigaivel

.. Petitioner

Vs.

1.The Collector,
Vellore District, Vellore.

2.The Divisional Engineer,
Highways, Construction and Maintenance,
Vellore.

3.The Assistant Divisional Engineer,
Highways,
Construction and Maintenance,
Arakkonam, Vellore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of land comprised in S.No.1011-part having an extent of 11 feet North to South and 22 feet East to West situated along the Arakkonam-Kanchipuram Highway, Pallur Village, Arakkonam Taluk, Vellore District except by due process of law.

For Petitioner : Mr.G.Jeremiah

For Respondents: Mr.S.Kamalesh Kannan,
Government Advocate

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of mandamus forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of land comprised in S.No.1011-part having an extent of 11 feet North to South and 22 feet East to West situated along the Arakkonam-

Kanchipuram Highway, Pallur Village, Arakkonam Taluk, Vellore District except by due process of law.

2.The 3rd respondent viz., the Assistant Divisional Engineer, Highways, filed a counter wherein he has stated that he personally inspected the encroached portion and survey the land and found that the petitioner had made encroachments and unauthorizedly constructing building, which would affect free flow of traffic and cause hindrance to the public at large. The 3rd respondent has also stated that he addressed a letter on 24.09.2018 to the Tahsildar, Arakkonam, the Revenue Divisional Officer, Ranipet and the Inspector of Police, Nemili to provide necessary protection at the time of stopping the new construction in the encroachment made by the petitioner. Further, the 3rd respondent has stated that the encroachment was removed on 26.09.2018.

3.Even in the affdiavit filed in support of the petition, the petitioner has stated that the authorities had demolished the superstructure on 26.09.2018 without any notice. When the encroachment was already removed on 26.09.2018 by the authorities, the petitioner has filed the Writ Petition on 08.01.2019 for forbearing the respondents from interfering with his peaceful possession and enjoyment, which cannot be granted. In such view of the matter, we find no merits in the Writ Petition. Accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

va

To

1.The Collector,
Vellore District, Vellore.

2.The Divisional Engineer,
Highways, Construction and Maintenance,
Vellore.

3.The Assistant Divisional Engineer,
Highways,
Construction and Maintenance,
Arakkonam, Vellore District.

+1cc to Government Pleader SR.No.31960

W.P.No.3771 of 2019 and
W.M.P.No.4166 of 2019

RK (CO)
GMY (29/04/2019)



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