

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P.No.14994 of 2019

C.Narayanan

.. Petitioner

-vs-

1.The Assistant Divisional Engineer,
Highways, Panruti, Panruti Taluk,
Cuddalore District.

2.The Assistant Divisional Engineer,
Cuddalore, Cuddalore Taluk,
Cuddalore District.

3.The Tahsildar,
Panruti, Panruti Taluk,
Cuddalore District.

4.Visalakshi

5.Siva @ Sivanandam

6.Radhakrishnan

7.Dhandapani

8.Vijaya

9.Mahalakshmi

10.Annamalai

11.Madhavan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing respondents 1 to 3 to remove the encroachment made by respondents 4 to 11 on the road margins abutting Palur-Sitharasur Main Road, obstructing the access to properties bearing S.No.138/2B Hec.1.62.0 and 138/4 Hec.0.03.5 in Palur Village, Panruti Taluk, Cuddalore District.

For Petitioner

: Mr.R.Gururaj

For Respondents

: Mr.S.N.Parthasarathi
Government Advocate
for respondent Nos.1 to 3

Mr.V.T.Balaji
for respondent No.11

No Appearance for
respondent Nos.4 to 10

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Heard Mr.R.Gururaj, learned counsel for the petitioner; Mr.S.N.Parthasarathi, learned Government Advocate for respondent Nos.1 to 3 and Mr.V.T.Balaji, learned counsel for respondent No.11.

2. The petitioner has prayed that a direction be issued to respondent Nos.1 to 3 to remove the encroachment made by respondent Nos.4 to 11 on the road margins abutting Palur-Sitharasur Main Road, obstructing the access to properties bearing S.No.138/2B - Hec. 1.62.0 and S.No.138/4 - Hec. 0.03.5 in Palur Village, Panruti Taluk, Cuddalore District.

3. The learned Government Advocate has tendered status report filed by the second respondent/Assistant Divisional Engineer(H), Construction and Maintenance, Cuddalore, wherein it is stated that the Tahsildar, Panruti Taluk, confirmed that free access to the land of the petitioner has been obstructed by respondent Nos.4 to 11 by constructing huts etc. and also confirmed that the land encroached by respondent Nos.4 to 11 belongs to Highways Department and therefore, they requested respondent No.1, i.e., the Assistant Divisional Engineer, Highways, Panruti, Panruti Taluk, Cuddalore District, to take action to evict the encroachers. It is further stated that, on receipt of the report of respondent No.3 i.e., the Tahsildar, Panruti Taluk, eviction notices have been issued to respondent Nos.4 to 11. The said notices are dated 24.07.2019 and by the said notices, respondent Nos.4 to 11 were directed to remove encroachments by themselves on or before 30.07.2019, failing which the Highways Department will remove the encroachments by following due process of law. In the status report, it is further stated that if the encroachers fail to vacate the land encroached by them, the Department will pursue further action to evict respondent Nos.4 to 11 in accordance with law and the process will be completed by 31.10.2019.

4. In view of the averments made in the status report filed by the second respondent, no further orders are necessary and the writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

- 1.The Assistant Divisional Engineer,
Highways, Panruti, Panruti Taluk,
Cuddalore District.
- 2.The Assistant Divisional Engineer,
Cuddalore, Cuddalore Taluk,
Cuddalore District.
- 3.The Tahsildar,
Panruti, Panruti Taluk,
Cuddalore District.

+1 cc to M/s.D.Aruna, Advocate Sr.No. 72618
+1 cc to M/s.V.T.Balaji, Advocate Sr.No. 72827
+1 cc to The Government Pleader Sr.No. 73466

AKM/23.09.19/3P-7C /

W.P.No.14994 of 2019

सत्यमेव जयते

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