

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Thirtieth day of July Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE P.D.AUDIKEVALU

WP NO.9295 OF 2018

K.BASKAR

[PETITIONER]

Vs

1 THE COLLECTOR,
THIRUVALLUR DISTRICT.

[RESPONDENTS]

2 THE EXECUTIVE OFFICER,
THIRUNINTRAVUR TOWN PANCHAYAT,
THIRUNINTRAVUR,
TIRUVALLUR DISTRICT.

3 THE CHIEF ENGINEER,
HIGHWAYS DEPARTMENT, NO.76,
SARDAR PATEL ROAD, H.R.S CAMPUR,
GUINDY, CHENNAI-600 015.

4 THE DIVISIONAL ENGINEER,
HIGHWAYS DEPARTMENT, J.N.ROAD,
TIRUVALLUR.

5 THE ASSISTANT DIVISIONAL
ENGINEER, HIGHWAYS DEPARTMENT,
AVADI.

Writ Petitions under Article 226 of the Constitution of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a writ of Mandamus or order or direction in the nature of a writ

directing the 1st, 2nd and 3rd respondents to dispose the petitioners representation dated 06.04.2018 and direct the 4th and 5th respondent not to evict the petitioner without due process of law (in WP.No.9295/18)

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.NARAYANAN, Advocate for the petitioner and of M/S.R.VENKATESH Government Advocate for 1, 3 & 5th respondents and M/S.R.S.SELVAM Advocate for the 2nd respondent the court made the following order:-

The claim of the Petitioner in the Writ Petition is that he has occupied the land for running a bunk shop with the permission of the Second Respondent, which is the Local Body, and as such, the Third to Fifth Respondent should not evict him from that premises without due process of law.

2. The Third to Fifth Respondents have filed Counter Affidavit denying that the said land belongs to the Second Respondent and contends that the land actually belongs to the Highways Department and that the Petitioner is illegally running a restaurant under the bridge causing hindrance to free movement of traffic, apart from inconvenience to the general public in violation of Section 26(1) of the Tamil Nadu Highways Act, 2001, which prohibits occupation or encroachment of any person on any highway within the highway boundaries. Learned Counsel for the Second Respondent, on instructions, submits that the land occupied by the Petitioner does not belong to the Second Respondent and has confirmed that it is the property of the Highways Department.

3. In view of the aforesaid submissions made, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition and he has made an endorsement to that effect, which is recorded. The Petitioner, who is present in Court today, submits that he would vacate from the premises by 08.08.2019 and he has made an endorsement to that effect, which is also recorded.

Post the matter for reporting compliance by the Petitioner on 13.08.2019.

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-sd/-

30/07/2019

/ TRUE COPY /

WEB COPY

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE COLLECTOR,
THIRUVALLUR DISTRICT.

2 THE EXECUTIVE OFFICER,
THIRUNINTRAVUR TOWN PANCHAYAT,
THIRUNINTRAVUR, TIRUVALLUR DISTRICT.

3 THE CHIEF ENGINEER,
HIGHWAYS DEPARTMENT, NO.76, SARDAR PATEL
ROAD, H.R.S CAMPUR, GUINDY, CHENNAI-600 015.

4 THE DIVISIONAL ENGINEER,
HIGHWAYS DEPARTMENT, J.N.ROAD, TIRUVALLUR.

5 THE ASSISTANT DIVISIONAL
ENGINEER, HIGHWAYS DEPARTMENT, AVADI.

C.C. to M/S.K.NARAYANAN Advocate on payment of necessary
charges

The Government Advocate, High Court, Madras - 104.

Order

in
WP.9295/2018

Date :30/07/2019

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
SDR 27.06.2019
SDR 08.08.2019

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