

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.24618 of 2018

A.Kathirvel .. Petitioner

-vs-

1. The District Collector,
Salem District,
Salem.

2. The Revenue Divisional Officers,
Salem District,
Salem.

3. The Tahsildhar,
Salem West Taluk,
Salem District.

4. The Divisional Engineer,
Operation and Maintenance,
Highways Department,
Kuranguchavadi,
Salem - 4.

5. Gunasekaran

6. Rasakannu

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 to 4 to take appropriate action to remove the encroachments in Steel Plant Road, Salem from Sako Serve Bus Stop to Karamangalathupatti, Salem West Taluk, Salem District based on the representation of the petitioner dated 26.07.2018 and the communication of the first respondent dated 09.08.2018 in O.Mu.No.22023/2018/K4 forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader (i/c)
for respondent Nos.1 to 4

Mr.R.Nalliyappan
for respondent No.6

No Appearance for
respondent No.5

ORDER

(Order of the Court was made by M.Duraiswamy, J.)

The petitioner has filed the above writ petition as Public Interest Litigation to issue a Writ of Mandamus directing respondent Nos.1 to 4 to take appropriate action to remove encroachments in Steel Plant Road, Salem from Sako Serve Bus Stop to Karamangalathupatti, Salem West Taluk, Salem District based on the representation of the petitioner dated 26.07.2018 and the communication of the first respondent dated 09.08.2018.

2. The fourth respondent / Divisional Engineer, Construction and Maintenance, Highways Department, Kuranguchavadi, Salem-4 has filed the counter-affidavit, wherein it has been stated that in order to remove the entire encroachments on other parts from Sago Serve Bus Stop to Maramangalathupatty at Jagirammappalayam - Tharamangalam Road, work to demarcate the Highways boundary is being taken up by the Revenue Department and after completion of the survey work, if the encroachment is within the boundary of Highways, notice shall be issued to the encroachers to remove the encroachments. Further, the fourth respondent has stated that if encroachments are not removed by the encroachers, the encroachment will be removed with the assistance of the Departments concerned as per law.

3. The learned counsel for the petitioner submitted that recording the averments stated in paragraph 5 of the counter-affidavit filed by the fourth respondent, the writ petition may be closed.

4. In view of the submission made by the learned counsel for the petitioner and recording the averments made in paragraph 5 of the counter-affidavit of the fourth respondent, we do not find any reason to issue further directions to the respondent authorities. Accordingly, the writ petition is closed. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Salem District, Salem.
2. The Revenue Divisional Officers,
Salem District, Salem.
3. The Tahsildhar,
Salem West Taluk,
Salem District.
4. The Divisional Engineer,
Operation and Maintenance,
Highways Department,
Kuranguchavadi,
Salem - 4.

+1 cc to Mr.C.Prabakaran, Advocate, S.R.No.17956

+1 cc to Mr.R.Nalliyappan, Advocate, S.R.No.18431

+1 cc to the Government Pleader, S.R.No.18172

W.P.No.24618 of 2018

EV(CO)
SSM(21/03/2019).

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