

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2019

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.14141 of 2017
and
W.M.P.No.27242 of 2019

K. Velumani

... Petitioner

/vs/

1. The Tahsildar,
North Taluk,
Dr. Balasundaram Road,
Coimbatore- 641 018.
2. S. Soundarajan,
S/o. Subhannagounder.
3. P. Ayyasamy,
S/o. Perumal Asari
4. P.Murugesan,
S/o. Palanisamy.
5. N. Palanisamy,
S/o. Narayanasamy
6. N.Murugesan,
S//o. Nanjappa Gounder
7. D. Govindaraj @ Ravi,
S/o. Duraisamy.
8. M. Damodarasamy,
S/o. Muthusamy.
9. R. Nanjappan (Office Administrator),
S/o. Rangappa Gounder.
10. P. Senthil Kumar (Committee Member),
S/o. Palanisamy
11. D. Sathiyamoorthy (Committee Member)
S/o. Duraisamy.

12. Babu @ Balakrishnan (Committee Member),
S/o. Ranganathan.

13. A.C. Rathinasamy (Committee Member),
S/o. Chinnasamy.

14. The Divisional Engineer,
National Highways ,
Coimbatore 641 018.

...Respondents

(R14 impleaded as per order dated 31.07.2019
by MKKSJ in WMP No.19224 of 2017 in
W..No.14141 of 2017)

PRAYER : Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of Mandamus
directing the 14th respondent to remove the un-authorized
construction put up by the respondents 2 to 13 and consequently
take action against the respondents 2 to 13 to remove their
encroachment made in the lands in R.S.R.S.F. No.392.

(prayer amended as per order dated
25.09.2019 in WMP.27236 of 2019 in
W.P.No.14141 of 2017 by VBDJ)

For Petitioner : Mr. C.R. Prasanan
For Respondents : Mr. I. Sathish,
Addl. Govt.Pleader for R1
: Mr. K.Goviganesan,
for R2 to R13
: Mr. Richardson Wilson,
for R14

सत्यमेव जयते
O R D E R

This writ petition has been filed directing the respondents
to remove the construction put up by the respondents 2 to 13
herein .

2. The grievance of the petitioner is that a land in
R.S.R.S.F.No.392 of Perianaickenpalayam Village, Coimbatore
District is a National Highways Poromboke land. In the above
said survey number a Murugan temple was built up 15 years ago,
thereafter another Perumal temple was also put up. Now, once
again a Vinayagar temple sought to be constructed by the
respondents 2 to 8, who are claiming themselves as trustees of
the temple, by encroaching the Highway Poromboke land. The

petitioner made a representation to the 14th respondent and other authorities. But no action has been taken so far, hence, the present writ petition has been filed.

3. The learned counsel appearing for petitioner would submit that the land belongs to the 14th respondent, National Highways Department and the respondents 2 to 13 are illegally encroaching the property belongs to the National High ways and putting up temples one by one. Even though the petitioner made several representations to the 14th respondent and other authorities, no action has been taken so far.

4. Per contra, the learned counsel appearing for the 14th respondent would submit that as per the revenue records, the land was shown as Highways porompoke. So far, the competent authority did not receive any complaint from the petitioner. If any proper complaint is filed before the Project Director, Highways Department, Administration Office, Coimbatore, the complaint will be enquired into and suitable action will be taken for removing the encroachment if any.

5. The learned counsel appearing for the respondents 2 to 13 submits that they have not encroached any of the property belonging to the Highways authorities and the temples are very ancient temples and they have built up even before the Highways authorities laying the road.

6. I have considered the submissions and perused the materials available on record.

7. The grievance of the petitioner is that the respondents 2 to 13 have encroached the land belongs to the National Highways authority and put up temple, and the 14th respondent has not taken any action so far though the petitioner made complaint regarding the above encroachment. On the other hand, it is submitted by the learned counsel appearing for the 14th respondent that the competent authority under the National Highways Act has not received any complaint from any person so far and if any complaint is received, they will take suitable action on the same.

8. Considering the above circumstances, the petitioner is directed to file a fresh application before the Project Officer, Highways Department, Administration Office, Coimbatore within a period of two weeks from the date of receipt of a copy of this order. If any such complaint is made, the 14th respondent is directed to consider the same and pass suitable orders on merits and in accordance with law, after giving opportunity to the petitioner and the other interested persons, within a period of 6 weeks thereafter.

9. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

mrp

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Tahsildar,
North Taluk,
Dr. Balasundaram Road,
Coimbatore- 641 018.

2. The Divisional Engineer,
National Highways ,
Coimbatore 64 018.

+1cc to Mr.C.R.Prasanan, Advocate, SR.No.86279

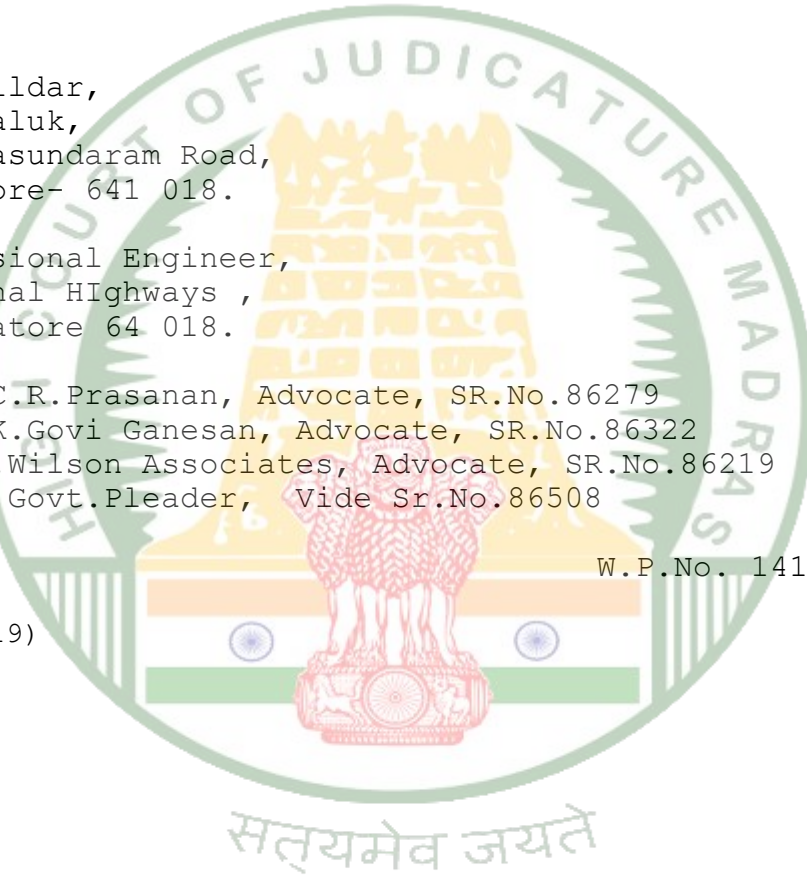
+1cc to Mr.K.Govi Ganesan, Advocate, SR.No.86322

+1cc to M/s.Wilson Associates, Advocate, SR.No.86219

+1cc to the Govt.Pleader, Vide Sr.No.86508

W.P.No. 14141 of 2017

Kak(30/10/2019)



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