

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.27910 of 2018

G.Duraikannu

.. Petitioner

v.

1 The District Collector
Tiruvannamalai
Thiruvannamalai District

2 The Tasildhar
Thiruvannamalai Taluk
Thiruvannamalai District

3 The Divisional Engineer
No.214, Dindivanam Road
Navakarai
Thiruvannamalai Town
Thiruvannamalai District

4 Chakrapani

5 Pattammal

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the respondents 1 to 3 remove the illegal encroachment made by respondents 4 and 5 at State Highway comprised in S.F.No.27/2, Manalurpet Main Road, State Highways, Keezhanikarai Village, Tiruvannamalai Taluk and District by considering petitioner's representation dated 23.08.2018

For Petitioners : Mr.R.Rajaraman

For Respondents : Mr.S.Kamalesh Kannan
Government Advocate - for R1 to R3

R3 - Died

Not Ready in Notice - R5

ORDER

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

The petitioner is seeking direction to the respondent Nos.1 to 3, viz., The District Collector Thiruvannamalai District, the Tasildhar, Thiruvannamalai Taluk, Thiruvannamalai District and the Divisional Engineer, No.214, Dindivanam Road, Navakarai, Thiruvannamalai Town, Thiruvannamalai District to remove the illegal encroachment made by respondent Nos. 4 and 5 at State Highway comprised in S.F.No.27/2, Manalurpet Main Road, State Highways, Keezhanikarai Village, Tiruvannamalai Taluk and District.

2. The learned Government Advocate has tendered the counter-affidavit of respondent No.3, wherein it is stated that respondent Nos. 4 and 5 have encroached upon the State Highways Road by constructing houses. It is further stated in the counter-affidavit that necessary notice under Section 28(2)(ii) of Tamil Nadu Highways Act, 2001, have been issued to the respondent Nos. 4 and 5 vide Memo No.07/2008/A, dated 05.11.2018 of the Assistant Divisional Engineer (H), C & M, Tiruvannamalai.

3. The learned Government Advocate states that the concerned authorities will proceed in accordance with law, as expeditiously as possible.

4. Recording the submission made by the learned Government Advocate, the Writ Petition is disposed of. No costs.

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(V.K.T., C.J.) (M.D., J.)
30.01.2019

Index : Yes/No

Speaking Order/Non Speaking Order

Rj

To

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Thiruvannamalai District
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THE HON'BLE CHIEF JUSTICE
AND
M. DURAISWAMY, J.

Rj



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