

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2019

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.30894 of 2018 and

W.M.P.No.36047 of 2018

M.Krishnan ... Petitioner

Vs.

1.The District Collector,
The Nilgiris District, The Nilgiris.

2.The Commissioner,
Gudalur Municipality,
Gudalur, The Nilgiris District.

3.The Divisional Engineer,
State Highways Department,
Ooty, The Nilgiris District.

4.The Junior Engineer,
State Highways Department,
Devar Solai Road, I.B.Road,
Gudalur, The Nilgiris District.

5.Nazir .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus directing the 1st respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 03.11.2018 within a stipulated time as fixed by this Court.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.S.N.Parthasarathi,
Government Advocate (R1, R3 & R4)
Mr.P.Srinivas (R2)
Mrs.M.Ezhilarasi (R5)

O R D E R
(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The above Writ Petition has been filed by the petitioner as a Public Interest Litigation to issue a Writ of mandamus directing the 1st respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 03.11.2018 within a time frame.

2.The petitioner has given a representation dated 03.11.2018 to remove the encroachments made by the 5th respondent.

3.The 2nd respondent has filed a counter, wherein it has been stated that the land in dispute was surveyed by the Junior Engineer, along with Surveyor on 12.12.2018 and found that there is no encroachment on the Highways lands and no culvert of the State Highways Department was damaged.

4.The 4th respondent also re-iterated that there is no encroachment on the Highways lands and no culvert of the State Highways was damaged.

5.When the authorities themselves had inspected and found that there is no encroachment made in the lands, we do not find any reason to disbelieve the statements made by the respondents 2 & 4. Therefore, accepting the statement made by the respondents 2 & 4, we find no merits in the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)
Sub Assistant Registrar

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To

1.The District Collector,
The Nilgiris District, The Nilgiris.

2.The Commissioner,
Gudalur Municipality, Gudalur, The Nilgiris District.

3.The Divisional Engineer,
State Highways Department, Ooty, The Nilgiris
District.

4.The Junior Engineer,
State Highways Department,
Devar Solai Road, I.B.Road,
Gudalur, The Nilgiris District.

+1cc to Mr.P.Srinivas , Advocate SR.No. 65070

+1cc to Mrs.M.Ezhilarasi, Advocate SR.No. 64897

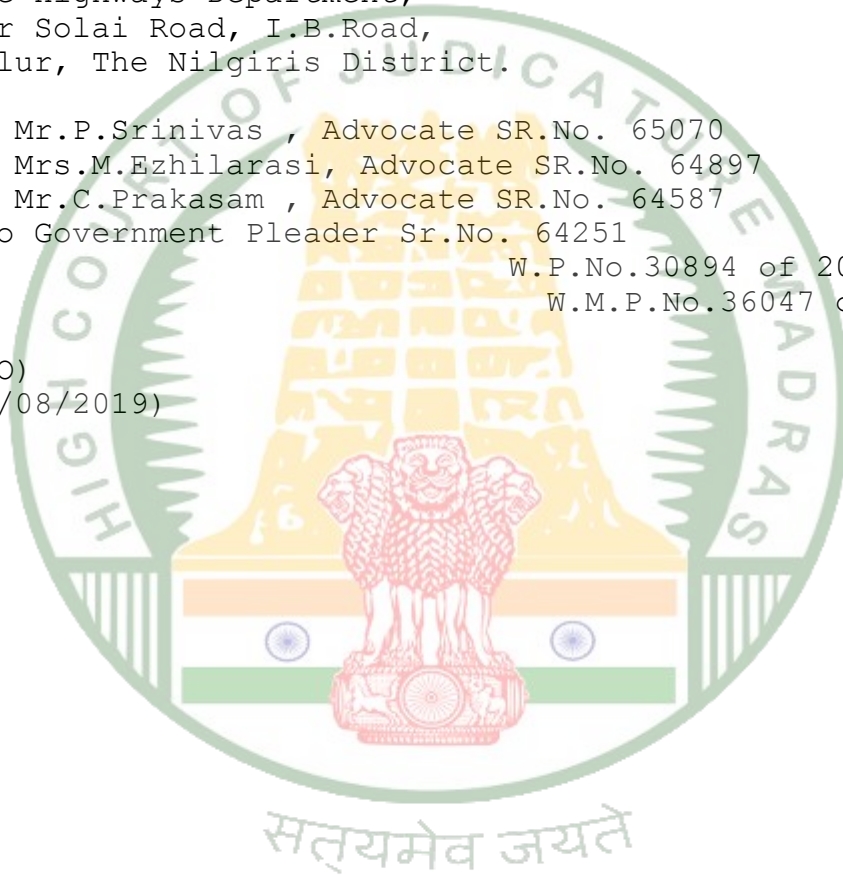
+1cc to Mr.C.Prakasam , Advocate SR.No. 64587

+1 cc to Government Pleader Sr.No. 64251

W.P.No.30894 of 2018 and

W.M.P.No.36047 of 2018

br (CO)
A.SK(27/08/2019)



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