



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P(MD)NO.21087 OF 2019

Dr.K.Jadamuni

:Petitioner

.vs.

1.The State of Tamil Nadu,
represented through its Secretary,
Tamil Nadu Highways Department,
St.George Fort,Chennai.

2.The Chief Engineer,
Construction and Maintenance,
The State Highways Department,
Chennai.

3.The Divisional Engineer,
Construction and Maintenance,
Alagar Koil Road,
Madurai.

: Respondents 1 to 3

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents, in particular, the third respondent to grant three months time to vacate the portion which may suffer from encroachment and also to direct them to remove the 100 years old Peepal tree safely and replant it in some other place and also the electric post and telecom posts.

For Petitioner

:Mr.S.Suresh Kumar Issac Paul

For Respondents

:Mr.M.Murugan
Govt.Advocate

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM.,J.**]

We have heard Mr.S.Suresh Kumar Issac Paul, learned counsel appearing for the Petitioner and Mr.M.Murugan, learned Government Advocate, who accepts notice for the respondents.



2.Mr.K.Prasanna Venkatesan, Divisional Engineer, Highways, Madurai and Mr.Thangapandi, Assistant Divisional Engineer, Madurai West(Highways),Madurai are present before this this Court, today.

3.By consent of either side, the Writ Petition is taken up for final disposal.

4.Admittedly, the temporary construction put up by the Petitioner is a Government Doctor and a busy practitioner, who is an encroacher into the Government land. Therefore, the Petitioner has to remove the same. The Petitioner has sought for three months time to remove the encroachment, which in our considered opinion, cannot be granted. The Petitioner being a Government Doctor and very popular person in that locality, is to set an example for others.

5.Therefore, while dismissing the Writ Petition, we direct the Petitioner to remove the structures put up by him in its entirety on or before 5.00 p.m. of 17.10.2019, failing which, the respondents shall demolish the structures using the departmental force. All other structures which are encroachments in the said road shall also be remove by giving option to the encroachers to remove the same by themselves or otherwise, the respondents shall remove it departmentally.

6.With the above directions, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary,Government of Tamil Nadu,
Tamil Nadu Highways Department,
St.George Fort, Chennai.

2.The Chief Engineer, Construction and Maintenance,
The State Highways Department, Chennai.

3.The Divisional Engineer,
Construction and Maintenance,
Alagar Koil Road,
Madurai.



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+1. C.C. to Mr.S.SURESH KUMAR ISSAC PAUL Advocate SR.No.90803

+1. C.C. to SPECIAL GOVERNMENT PLEADER Advocate SR.No.91175

ORDER MADE IN

W.P (MD) No.21087 of 2019

01.10.2019

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