



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : **08.11.2019**  
CORAM:

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

**W.P(MD)No.23598 of 2019**  
and  
**W.M.P. (MD)Nos.20222 and 20223 of 2019**

Sanjaykuamr ... Petitioner  
Vs.

The Assistant Divisional Engineer,  
Highways (Construction and Maintenance),  
Tiruchirappalli-620 020. ... Respondent

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the entire records in connection with the impugned proceedings in Ku.No.127/2019/A2/ dated 29.10.2019 issued by the respondent and quash the same and consequently directing the respondent not to remove / demolish any structures in the petitioners property comprised in T.S.No.61/1, Block No.10, AD Ward in Tiruchirappalli Municipal Corporation, to an extent of 300 sqmt (old S.No.39, new S.No.70, Sengulam Village, Tiruchirappalli East Taluk and District).

For Petitioner : Mr.K.K.Senthil  
For Respondent : Mr.A.K.Baskara Pandian  
Special Government Pleader

**ORDER**

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

Heard Mr.K.K.Senthil, learned counsel appearing for the petitioner and Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondent. By consent on either side, this writ petition is taken up for final disposal.

2. This writ petition is filed by the petitioner challenging the order passed by the respondent, dated 29.10.2019. It is submitted that without conducting proper survey, encroachments are sought to be removed.



3. The learned counsel for the petitioner submitted that in respect of the similar notice, this Court in W.P.(MD)No.21982 of 2019 by order dated 17.10.2019 had disposed of the writ petition by directing the Authorities to conduct the survey.

4. The photographs produced before this Court by the learned Special Government Pleader show that not only the petitioner was present at the time of survey, but his counsel was also present.

5. The learned counsel for the petitioner would submits that the identity of the property is not correct.

6. Considering the fact that already a comprehensive report has been issued, we direct the Authorities to ensure that appropriate measurement is made and thereafter only to proceed to take action to remove the encroachment. Considering the fact that there are dwelling houses and shops, they can be granted reasonable time to remove the encroachment by themselves, failing which action shall be initiated by the Department.

7. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS )

ta

To

The Assistant Divisional Engineer,  
Highways (Construction and Maintenance),  
Tiruchirappalli-620 020.

+1 CC to Mr.K.K.SENTHIL, Advocate ( SR-97334[F] dated 11/11/2019 )  
+1 CC to SPL GP ( SR-97743[F] dated 12/11/2019 )

**W.P (MD) No.23598 of 2019**  
**08.11.2019**

\_MK (21.11.2019) 2P 4C