



WEB COPY

W.P.(MD) No.25865 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

and

THE HONOURABLE MRS.JUSTICE T.RAVINDRAN

W.P. (MD) No.25865 of 2019

and

W.M.P. (MD) No.22378 of 2019

B.Mahalakshmi

... Petitioner

-vs-

1.The Secretary to Government
Highways Department
Fort St.George
Chennai 600 009

2.The Chief Engineer
National Highways
Integrated Chief Engineer's Office
76, Sardar Patel Road, Guindy
Chennai

3.The Project Director
National Highways Authorities of India (NHAI)
Office of the Project Director
Ponnagar, Trichy

4.The Superintendent Engineer
National Highways Department
Trichy

5.The Assistant Divisional Engineer
National Highways Department
Trichy

6.The District Collector
Trichy District
Trichy

7.The Tahsildar
Pirattiyur East Village
Trichy West Taluk
Trichy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus forbearing the respondents herein to going ahead with the demolition of the house property located in S.No.195/2 and 199/5B of Pirattiyur East Village, Trichy West Taluk, Trichy District.



For Petitioner : Mr.K.Muthu Ganesa Pandian
For Respondents : Mr.J.Gunaseelan Muthaiah
Additional Government Pleader

O R D E R

[Order of the Court was made by M.DURAI SWAMY, J.]

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The petitioner has filed the above writ petition to issue a writ of mandamus forbearing the respondents going ahead with the demolition of the house property located in Survey Nos.195/2 and 199/5B of Pirattiyur East Village, Trichy West Taluk, Trichy District.

2. It is the case of the petitioner that she is in occupation of the property in the abovesaid survey numbers for a long time. However, the Highways Department took a stand that the land, which is in occupation of the petitioner, belonged to them and they require the same for the formation of the road. Further, the Highways Department contended that the construction put up by the petitioner is causing hindrance to the free-flow of traffic.

3. When the Authorities of the Highways Department went to the property in dispute for taking possession, the petitioner, by her letter dated 27.11.2019, undertook to vacate and handover the vacant possession of the property in dispute to the Authorities within a week's time. However, instead of vacating the premises, the petitioner has come forward to file the writ petition.

4. On a perusal of the materials available on record, it is clear that the property in dispute belonged to the Highways Department and that the construction put up by the petitioner is causing hindrance. When the petitioner herself has given an undertaking to the effect that she would vacate and handover the vacant possession of the property in dispute to the Highways Department in a week's time, she cannot now go back and prosecute the writ petition. The encroachment made by the petitioner is on the Highways land and therefore, no indulgence can be shown to her to remain in the property in dispute any more. In these circumstances, we do not find any merits in the writ petition.

5. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl side)

// True Copy //

Sub Assistant Registrar(CS)



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To:

- 1.The Secretary to Government,
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Fort St.George,
Chennai 600 009.
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Trichy.
- 7.The Tahsildar,
Pirattiyur East Village,
Trichy West Taluk,
Trichy.

+1 CC to SPL GP (SR-103803[F] dated 06/12/2019)

W.P. (MD) No.25865 of 2019

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VB(20.12.2019) 3P 9C