

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.10.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.14923/2020 & WMP.No.18532/2020

K.Ramesh

.. Petitioner

Versus

1. The District Collector
District Collectorate,
Tiruvallur District,
Tiruvallur.
2. The Revenue Divisional Officer
Revenue Divisional Taluk
Ponneri, Ponneri Taluk
Tiruvallur District.
3. The Tahsildar
Taluk Office
Ponneri Taluk,
Tiruvallur District.
4. The Assistant Divisional Engineer
Tamil Nadu High Ways Department
Ponneri, Tiruvallur District.
5. The Deputy Superintendent of Police
Ponneri Circle, Ponneri, Tiruvallur District.
6. The Block Development Officer
Sozhavaram Panchayat Union
Sozhavaram, Chennai 600 067.

7.Abirami

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 6 herein to take suitable action and remove the encroachment made by the 7th respondent in the margin of the road by putting up illegal unauthorised construction opposite of Sozhavaram Bus Stop and Perumal Kovil National Highway, Survey No.435, Sozhavaram

Village, Tiruvallur District by considering the representation of the petitioner dated 05.10.2020.

For Petitioner : Mr.G.Arul Murugan
For RR 1 to 6 : Ms.R.J.Radhika, GA

ORDER

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Ms.R.J.Radhika, learned Government Advocate accepts notice on behalf of respondents 1 to 6.
- (3) The petitioner who claims to be a Public Interest Litigant, would state that he is a resident of Kannagipuram, Kallikuppam Village, Tiruvallur District and he is eking out his livelihood by driving the heavy vehicle. According to the petitioner, when he was driving his heavy vehicle, at about 10.00 a.m., on 05.10.2020, on the National Highways adjacent to Shozhavaam Perumal Temple, he noted an unauthorized construction and when he questioned the concerned persons, he was informed that the place in question belongs to the National Highways. The petitioner, suspecting the 7th respondent is putting up the said unauthorized construction, has encroached upon the land belonging to the State Highways and he has submitted a representation dated 05.10.2020 to the official respondents and even before the ink would dry on his representation, has approached this Court by filing this writ petition.
- (4) The learned counsel for the petitioner has drawn the attention of this Court to the photographs at page Nos.9 and 10 of the typed set of papers and would submit that the 7th respondent has put up a small thatched shed shop right next to the road margin and therefore, it is obligatory on the part of the concerned official respondents to follow due process of law and remove the encroachment and he would further add that on the earlier occasions also, a drive was conducted to remove the encroachment and because of non-following of the matter, fresh encroachments had come in place and prays for appropriate orders for removal of the same.
- (5) The learned Government Advocate appearing for the official respondents/respondents 1 to 5 would submit that action is under contemplation under Section 28 of the Tamil Nadu State Highways Act and allied provisions.
- (6) This Court has considered the rival submissions and also perused the materials placed before it.
- (7) This Court, taking into consideration, the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the 4th respondent to follow due process of law to remove the encroachments and see to that after such removal, there are no fresh or re-encroachments take

place in the said stretch of land/highways and if any assistance is required, respondents 3 and 5 shall also extend the same to the 4th respondent. The 4th respondent shall complete the said exercise as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the person/s / encroachers.

(8)The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The District Collector
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Tiruvallur District, Tiruvallur.
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- 5.The Deputy Superintendent of Police
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- 6.The Block Development Officer
Sozhavaram Panchayat Union
Sozhavaram, Chennai 600 067.

+1 cc to M/s.G.Arul Murugan,Advocate Sr.No. 34264

+1 cc to The Government Pleader, Sr.No. 34667

WP.No.14923/2020

SSI (CO)

RMP (01/12/2020)