

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2020

CORAM :

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

W.P.No.15717 of 2020
and
W.M.P.No.19554 of 2020

- 1.Kasiyammal
- 2.Muniappan
- 3.SamPATH
- 4.Guberan
- 5.Vediyappan
- 6.Chinnadurai
- 7.Kasiammal

... Petitioners

Vs.

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
2. The Revenue Divisional Officer,
Tiruvannamalai District.
3. The Assistant Executive Engineer,
State Highways Department,
Chengam, Tiruvannamalai District.
4. The Tahsildar,
Chengam Division,
Chengam, Tiruvannamalai District.
5. The Assistant Divisional Engineer,
State Highways Department,
Chengam Sub Division,
Chengam, Tiruvannamalai District.
6. The State of Tamil Nadu
Represented by its Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai-9.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for recrds relating to the order of the 5th respondent in and by proceedings of the Order No. 71 / 2019 /

Eva. Tho. A dated 28.09.2020 to quash the same and to consequently direct the respondents to forthwith consider alternate accommodation in any vacant place in so far as the petitioners are concerned.

For Petitioners : Mr.L.Chandrakumar

For Respondents : Ms.R.J.Radhika
Government Advocate

O R D E R

(Order of the Court was made by M. SATHYANARAYANAN, J.)

The petitioners claim that they belong to Scheduled Caste community and are having poor economic background and about 50 years back, they, along with few others, were allowed to occupy the vacant land adjoining the Highways. The petitioners, after such occupation, also put up superstructures which are also subject to statutory levies and also provided with electricity service connection and they have also been given the benevolence of other welfare schemes also.

2.The learned counsel appearing for the petitioners would submit that, all of a sudden, to the shock and surprise of the petitioners, they were issued with notice under the provisions of the Tamil Nadu Highways Act, 2001, which appears to be pursuant to the order dated 09.12.2019 made in W.P.No.34203 of 2019 (Subramanian v. The Chief Secretary to Government, Tamil Nadu Government, Secretariat, Chennai-9 and others). The primordial submission made by the learned counsel for the petitioners is that the representation submitted by the petitioners under Proviso-2 to Section 28(2) of the Tamil Nadu Highways Act, 2001, have been considered and it came to be rejected by issuing notice dated 28.09.2020. In the light of the fact that all of them are in occupation of the respective lands for over five decades and also put up superstructures and residing with their families, and the respective superstructures are also subject to statutory levies, prays for appropriate orders, directing the Government to provide alternative accommodation before causing their eviction.

3.Ms.R.J.Radhika, learned Government Advocate, accepts notice on behalf of the respondents, and would submit that, admittedly, the petitioners had caused encroachment upon the land belonging to the State Highways and since action has been taken strictly in accordance with law under Section 28 of the Tamil Nadu Highways Act, 2001, they cannot make any grievance in this regard. It is also the submission of the learned Government Advocate, on instructions, that, alternative lands are sought to be allotted, and after due verification and enquiry, the eligible

persons would be given alternative accommodation, and the said submission, on instructions, is taken on file and placed on record.

4. In the light of the fact that due process of law is being followed, this Court is unable to come to the aid of the petitioners. This writ petition stands disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
2. The Revenue Divisional Officer,
Tiruvannamalai District.
3. The Assistant Executive Engineer,
State Highways Department,
Chengam, Tiruvannamalai District.
4. The Tahsildar,
Chengam Division,
Chengam, Tiruvannamalai District.
5. The Assistant Divisional Engineer,
State Highways Department,
Chengam Sub Division,
Chengam, Tiruvannamalai District.
6. The Secretary,
State of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai-9.

+1cc to M/s.L.Chandrakumar, Advocate, S.R.No.37223

W.P.No.15717 of 2020

VSN-II (CO)
RV(09/12/2020)