

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.15149 of 2020

N.Mohan

Petitioner

Versus

- 1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
- 2.The Tasildhar,
Thiruvannamalai Taluk,
Tiruvannamalai District,
Tiruvannamalai.
- 3.The Executive Engineer,
Highways Department,
Tiruvannamalai District,
Tiruvannamalai.
- 4.The Assistant Executive Engineer,
Highways Department,
Tiruvannamalai District,
Tiruvannamalai.

5.K.Rajendran

6.K.Shankar

7.C.Rajendran

8.Samraj

9.Thillaikannu

10.Chinnapaiyan

1/6

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the respondents 1 to 4 to remove the illegal encroachments made by the respondents 5 to 11 in Survey No.50/1, Keezh Anaikarai Village, Manalurpet Main road, Tiruvannamalai Taluk and District forthwith.

For Petitioner : Mr.R.Rajarajan

For Respondents: Mr.L.P.Maruya for R1 to R4

ORDER

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

The petitioner claims to be the absolute owner of the land and property admeasuring an extent of 77 cents comprised in SF.No.50/1, and his wife is also the absolute owner of another 75 cents in the same survey number situate at Keezh Anaikarai Village, Manalurpet Main road, Tiruvannamalai Taluk and District. It is a specific case of the petitioner that the respondents 3 and 4 had put up an unauthorised construction and using it for commercial purposes, right on the road margins, which is also classified as Highways Poromboke comprised in S.F.No.29, Keezh Anaikarai Village, Manalurpet Main road, Tiruvannamalai Taluk and District.

2. The learned counsel appearing for the petitioner would submit that a representation dated 15.09.2020 submitted in this regard has failed to invoke any kind of response and therefore, came forward to file this Writ Petition.

3. Mr.L.P.Maruya, learned standing counsel accepts notice on behalf of the respondents 1 to 3.

4. Though the petitioner prays for a larger relief, this Court in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner, either in his representation or in this Writ Petition, directs the respondents 2 and 4 to consider and dispose of the petitioner's representation dated 15.09.2020, in accordance with law by adhering to the principles of natural justice, by putting the alleged encroachers, which may include the private respondents, on notice and thereafter pass appropriate orders

within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner, private respondents and other persons concerned.

5. The Writ Petition is disposed of, accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Tasildhar,
Thiruvannamalai Taluk,
Tiruvannamalai District,
Tiruvannamalai.

3.The Executive Engineer,
Highways Department,
Tiruvannamalai District,
Tiruvannamalai.

4.The Assistant Executive Engineer,
Highways Department,
Tiruvannamalai District,
Tiruvannamalai.

+1 cc to Mr.R.Rajarajan Advocate sr35000

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