

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

WP.No.18943/2020
[Video Conferencing]

N.Stephen Devakumar

..Petitioner

Versus

1. The District Collector
O/o.The District Collector
Gundu Salai Road,
Cuddalore District,
Cuddalore 607001.
2. The Revenue Divisional Officer
Revenue Department, Cuddalore 607 001.
3. The Tahsildar
Cuddalore, Cuddalore District.
4. The Divisional Engineer/Assistant Engineer,
Highways Department, Construction & Maintenance
Cuddalore 607 001.
5. The Inspector of Police
Thiruppathiripuliyur Police Station,
Cuddalore.

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to evict the encroachers who are unauthorisedly occupying the 59 feet width Highways Cuddalore-Thirukovilur-Sankarapuram Road running from 0.0 to 2.4 covering an area of 2.4 Kms.

For Petitioner : M/s.Selvi George for
Mr.S.Martin Jayakumar

For R1 to R5 : Mr.M.Elumalai
Additional Government Pleader

ORDER

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

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Mr. M. Elumalai, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 5.
- (3) The petitioner, on an earlier occasion, filed WP.No.11159/2018 praying for issuance of a writ of mandamus, directing the respondents therein to survey the land being 59 feet width - highway road situate at Arisiperiyankuppam Road, Koothapakkam Village, Cuddalore Taluk and District and fix the boundaries and also to direct the respondents to evict the encroachers who have unauthorizedly occupied the said road running from 0.0 to 2.4 covering an area of 2.4 Km within a period of three weeks and this Court, vide order dated 28.04.2018 had disposed of the said writ petition with a direction for removal of the encroachment.
- (4) The learned counsel for the petitioner would submit that though the encroachments have been removed, there is a re-encroachment on the place and having noted the same, the Assistant Divisional Engineer, Highways, Construction and Maintenance, Cuddalore, has sent a communication dated 04.12.2019 bearing Na.Ka.No.255/2018/A1 to the 5th respondent for taking appropriate steps to prevent encroachers from causing further encroachment and the 4th respondent also sent a communication dated 11.12.2019 bearing Letter No.819/2019/A4 requesting the petitioner to approach the police. The learned counsel would further submit that the 5th respondent has responded to the communication by stating that it is the Highways Department to address the letter to them and they will grant necessary aid to the Highways Department to cause removal of the encroachment and despite the fact that there is a re-encroachment, no worthwhile action has been taken and therefore, the petitioner is constrained to approach this Court by filing this writ petition.
- (5) The Court heard the submission of Mr. M. Elumalai, learned Additional Government Pleader appearing for the respondents 1 to 5 and also perused the materials placed before it.
- (6) A perusal of the communication of the 5th respondent dated 10.03.2020 would disclose that they require the letter of the Highways Department to do the needful and in fact, such a communication has already been sent by the Assistant Divisional Engineer to the 5th respondent. Insofar as the removal of the encroachment is concerned, the 4th respondent or the jurisdictional officials shall approach the 5th respondent for

seeking necessary police aid for removal of encroachment and as and when the 5th respondent being approached, he shall afford full police protection to the jurisdictional officials of Highways Department to cause removal of the encroachment and of course, the jurisdictional officials are expected to follow due process of law before removing such encroachment and the entire exercise as directed by this Court shall be done in accordance with law and also by adhering to the principles of natural justice and shall be completed within a period of ten weeks from the date of receipt of a copy of this order / uploading of the order in the website and communicate the decision taken, to the petitioner as well as the person/s concerned / encroachers if any.

(7) The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector
O/o. The District Collector
Gundu Salai Road,
Cuddalore District,
Cuddalore 607001.
2. The Revenue Divisional Officer
Revenue Department, Cuddalore 607 001.
3. The Tahsildar
Cuddalore, Cuddalore District.
4. The Divisional Engineer/Assistant Engineer,
Highways Department, Construction & Maintenance
Cuddalore 607 001.
5. The Inspector of Police
Thiruppathiripuliyur Police Station,
Cuddalore.

+1cc to Mr.E.Martin Jayakumar, Advocate, S.R.No.41210
+1cc to the Government Pleader, S.R.No.41555

WP.No.18943/2020

SVI (CO)
rv(07/01/2021)