

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2020

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THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.34286 of 2019

R.Muthukumarasamy ... Petitioner

Vs

1.The District Collector,
Erode District.

2.The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.

3.The Tahsildar,
Gobichettipalayam,
Erode District.

4.The Superintendent/Highways,
Gobichettipalayam Division (West),
Gobichettipalayam,
Erode District.

... Respondents

Prayer : Writ Petition filed under 226 of the Constitution of India to issue a writ of mandamus directing the respondents to widen the road and drainage line in Gurumanthur Market Main Road, Nallagoundanpalayam, Lakkampatti Village, Gobichettipalayam, Erode District.

For Petitioner : M/s.Eswar Kumar and Rao

For Respondents : Mr.G.K.Muthukumar
Special Government Pleader

ORDER

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

The petitioner seeks two reliefs before us, one is in respect of widening the road by removing the encroachments and another is to provide adequate and appropriate drainage facilities.

2. In the status report filed by the fourth respondent, the following statement has been made :-

"7. It is submitted that in respondents to the orders passed by the Tashildar, Gobichettipalayam vide Letter No.440/2018/A4/dated : 26.02.2018, all possible steps were taken to evict the un-authorised occupation all along the road sides and widen the road for free flow of transportation. It is ascertained from the representations of petitioner, to remove the encroachments at Gobichettipalayam, Lakkampatty Village, Nallagoundenpalayam to Gurumandur Market road upto Pandiyan Store R.S.No.69/9 and 130/1 which is classified as road in the Revenue Records. In this regard, this official respondent has written a letters to the Thasildar, Gobichettipalayam for surveying Highways boundary vide Assistant Engineer (H), C&M, Gobi letter No.18/2019/AE(H)/dated : 12.07.2019 and Assistant Divisional Engineer (H), C&M, Gobi Letter No.25/2019/J.A/dated : 18.07.2019. On surveying the Highways boundary by the Revenue Officials, it was reported that there is no encroachments along the road side at Lakkampatty Village, R.S.No.130/1 and 69/9 vide Tahsildar, Gobichettipalayam Letter No.66/2019/S.1/dated : 09.12.2019. The encroachments under the vision of the petitioner might have been in the Natham promboke which is under the control of Revenue authorities.

8. It is submitted with regard to averments contained in para 8 and 9 of this affidavit, that the request of this Writ petitioner to widen the road and to widen the drainage line by the respective authorities. As for as widening the road in view of the petitioner, the road was already widened except the roads are very narrow and uneven and owned a patta building on a patta land as either side of the road. The petitioner request may not be a reasonable cause for widening the road on the patta land with permanent structures over there. It is submitted with regard to eviction of encroachments, this respondent have taken every steps to remove encroachments with the support of Revenue officials from time to time since from the past. However, this official respondent has remitted a sum of Rs.5840/- to survey the

Highways boundary at the place where the roads are very narrow, with a view to any possibilities of widen the road vide Assistant Engineer (H) C&M, Gobichettipalayam Letter No.32/2019/AE(H)/dated :09.09.2019. As for as widening the drainage concerned, I submit to inform that the Revenue Authorities are held responsible for any improvements in Rain drain.

9.Hence, it is submitted that actions are already taken so as to demark the Highways boundary by this official respondent requesting the Revenue authorities and it is expected that the demarking process will be completed shortly. Soon after, this Highways department will take appropriate action infavour of this public litigation."

3. The learned Special Government Pleader appearing for the respondents, on instructions, submitted that the process of survey by the respondents 2 and 3 as sought for by the 4th respondent is going on. Since the area required to be surveyed and demarked is of larger road, which involves 17 kms of road, the same would be completed within a period of two weeks from the date of receipt of a copy of this order. Thereafter, based upon the same, action would be taken to remove the encroachments. The question of enlarging drainage facilities, has to be considered by the Public Works Department.

4. Considering the above submissions made, we direct the respondents 2 and 3 to complete the process of survey and demarcation as sought for by the 4th respondent within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the respondents 2 to 4 shall take appropriate action to remove the encroachments, if any. The aforesaid process shall be completed within a period of eight weeks thereafter. Needless to state that depending upon the result of survey and demarcation followed by completion of eviction, the 4th respondent shall take appropriate steps to extend and widen the road. After the removal of encroachment, we expect the Public Works Department Officials to look into the grievance of the petitioner and take appropriate action.

5. With the above observations, the writ petition stands disposed of. No Costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Erode District.
- 2.The Revenue Divisional Officer,
Gobichettipalayam, Erode District.
- 3.The Tahsildar,
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- 4.The Superintendent/Highways,
Gobichettipalayam Division (West),
Gobichettipalayam,
Erode District.

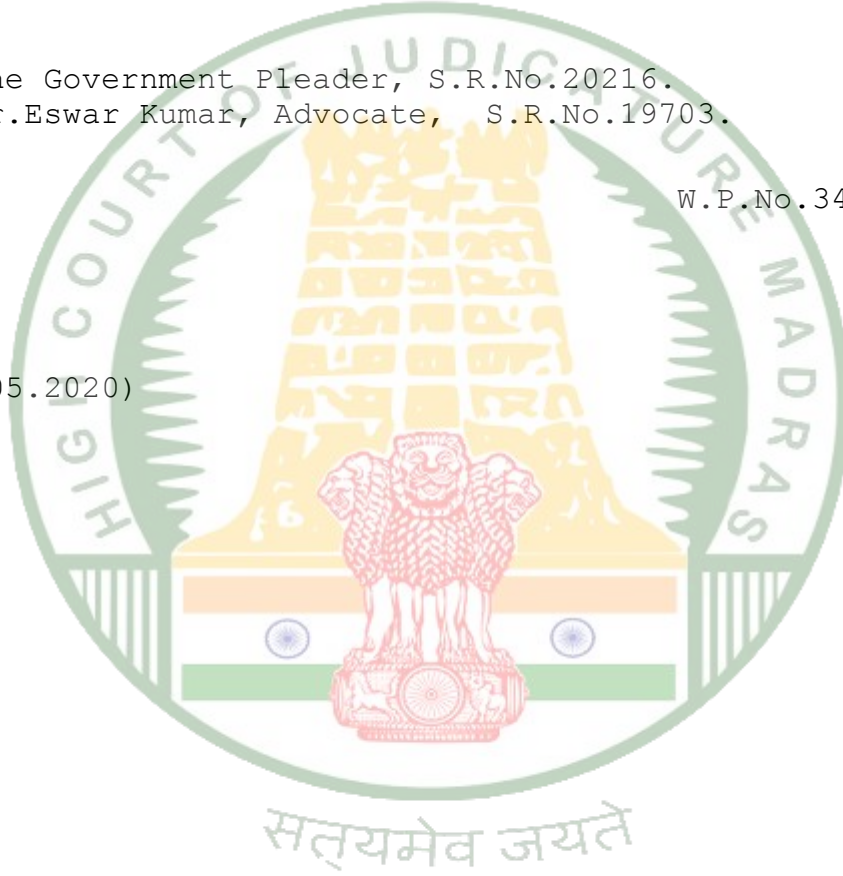
+1cc to the Government Pleader, S.R.No.20216.

+1cc to Mr.Eswar Kumar, Advocate, S.R.No.19703.

W.P.No.34286 of 2019

SSD(CO)

VSI-2(28.05.2020)



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