



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.8348 of 2020

WEB COPY

N.K.Ramasamy

... Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Divisional Engineer,
National Highways (NH-208),
Tenkasi.

3.The Assistant Engineer,
Tamil Nadu Electricity Board(Village South),
Puliangudi-627 855,
Tenkasi District.

4.The Tahsildar,
Kadayanallur Taluk,
Tenkasi District.

5.The Special Officer,
Punnaiyapuram Village Panchayat,
Kadayanallur Taluk,
Tenkasi District.

6.Janagai Mari

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the the respondents 1 to 5 to remove the encroachment and unauthorised offending construction put up by the sixth respondent in R.S.No.150, National Highways, Punnaiyapuram Village, Kadaiyanallur Taluk, Tenkasi District.

For Petitioner : Mr.J.John
for Mr.P.Murugesan

For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader
for R.1 to R.5



ORDER

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

The petitioner claims to be a resident of Punnaiapuram, Chockampatti Post, Kadayanallur Taluk, Tenkasi District and that he is an agriculturist and also an ardent devotee of "Arul Migu Karpaga Nachiyar Amman Thirukovil". It is the specific case of the petitioner that the said temple as well as the Munthal malai water falls are located within 2 km from the National Highways road and on the road leading to the said water falls and the temple, there is a curve and the sixth respondent had started to put up illegal offending construction on the right edge of the road, by way of encroachment and in that event, there is a likelihood of accident and obstruct to free flow of vehicles and the use of road margin by pedestrians also got disturbed. The petitioner, in this regard, submitted a representation dated 12.06.2020 to the concerned Officials and on account of lack of response, came forward to file this writ petition styled as a Public Interest Litigation.

2. The learned Counsel appearing for the petitioner has invited the attention of this Court to the photograph available at page No.10 of the typed set of documents and would submit that since the sixth respondent is putting up construction not only encroached upon the road margin, but also putting up unauthorised construction, the officials are bound to take immediate and necessary action in accordance with law and hence, prays for appropriate orders.

3. Mr.Aayiram K.Selvakumar, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 5 and would submit that even from the photograph, it is not clear as to the alleged encroachment caused by the sixth respondent.

4. This Court carefully considered the rival submissions and perused the materials placed before this Court.

5. A perusal of the photograph would *prima facie* disclose that right on the road margin, there exists very many structures and the alleged encroachment and the construction put up by the sixth respondent is also not visible in the said photograph.

6. The petitioner, apart from the representation, did not furnish any material as to whether the road margin, on which the sixth respondent is said to have been put up unauthorised construction, is the Government land or the land belonging to the local body or not. Though the petitioner has produced a field map, it does not show any thing to substantiate the claim of the



petitioner. Be that as it may, the petitioner is having an effective alternative remedy under the Right to Information Act, to know the fate of his representation.

7. In the result, the Writ Petition is dismissed and liberty is granted to invoke the provisions of the Right to Information Act to know about the fate of his representation dated 12.06.2020. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SSL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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5.The Special Officer,
Punnaiayapuram Village Panchayat,
Kadayanallur Taluk,
Tenkasi District.

+1 CC to Mr.P. MURUGESAN, Advocate (SR-13496[F] dated
03/08/2020)

W.P. (MD)No.8348 of 2020
31.07.2020

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