

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.5952/2021

Periyathambi

...Petitioner

Versus

1.The District Collector,
District Collectorate,
Kallakurichi District.

2.The District Revenue Officer
Kallakurichi.

3.The Tahsildar
Chinnasalem Taluk
Kallakurichi District.

4.The Assistant Engineer
Highways Department
Vridhachalam, Cuddalore District.

5.Dharmaraj

6.Ganesn

.. 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 consider the petitioner's representation dated 13.10.2020 consequently direct the respondents to remove the encroachment in S.No.85, Local Bund Road, No.532, Cuddalore to Salem National Highways at Keelkuppam Salai [K.M.97/6].

For Petitioner : Mr.S.N.Subramani

For RR 1 to 4 : Mr.S.Kamalesh Kannan
Government Advocate

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.S.Kamalesh Kannan, learned Government Advocate accepts notice on behalf of respondents 1 to 4.
- (3) The petitioner, alleging encroachment on the part of the private respondents upon the road margin in Cuddalore-Vridhachalam-Salem NH 532 at 97/6 K.M., had submitted various representations. The 4th respondent, vide communication dated 13.03.2019 in Letter No.01/2019/U.Po addressed to the 3rd respondent to survey and measure the same and it was followed by a Memo dated 06.11.2020 in O.Mu.No.Aa5/8175/2020, issued by the office of the 1st respondent to respondents 3 and 4.
- (4) The learned counsel for the petitioner would submit that on account of the said encroachment, access of the petitioner to his lands, has been completely denied and apart from encroaching upon the road margin, the private respondents has also put up an unauthorised construction and despite various representations submitted in this regard, the respondents never cared to take any action and therefore, the petitioner is constrained to approach this Court by filing this writ petition.
- (5) Per contra, Mr.S.Kamalesh Kannan, learned Government Advocate appearing for respondents 1 to 5 on instructions, would submit that needful would be done in accordance with law as expeditiously as possible.
- (6) This Court has considered the rival submissions and also perused the materials placed before it.
- (7) This Court, taking into consideration, the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs respondents 3 and 4 to act on the Memo dated 06.11.2020 in O.Mu.No.Aa5/8175/2020 sent by the office of the 1st respondent and by following due process of law and also adhering to the principles of natural justice, shall complete the exercise of removal of the alleged encroachment from the land/road margin 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 respondents 5 and 6
- (8) The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

AP

To

1.The District Collector,
District Collectorate,
Kallakurichi District.

2.The District Revenue Officer
Kallakurichi.

3.The Tahsildar
Chinnasalem Taluk
Kallakurichi District.

4.The Assistant Engineer
Highways Department
Vridhachalam, Cuddalore District.

+1 cc to M/s.S.N.Subramani, Advocate Sr.No. 16145

+1 cc to The Government Pleader Sr.No. 15819

WP.No.5952/2021

PMK (CO)

RMP (09/04/2021)