



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.09.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.32569 of 2013
and M.P.No.1 of 2013

1. D.Dakshinamorthy
2. Shantha ... Petitioners

Vs

1. The Assistant Divisional Engineer,
(Highways),
No.3, Station Road,
Varadarajapuram,
Ambattur,
Chennai - 600 053.

2. The Assistant Engineer,
Highways Department,
Building and Maintenance,
Poonamallee Division,
Chennai - 600 056.

3. The Tahsildar,
Ambattur Taluk Office,
Ambattur,
Chennai - 600 053. ... Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of MANDAMUS forbearing the respondents 1 and 2 from evicting the petitioners forcibly from their shop No.34 at patta land located in old No.20 and new No.52, Sannathi Street, Thiruverkadu, Chennai - 600 077 comprised in Survey No.154/1A and 155/2, new survey No.154/1A1 and 155/1B1 as per sale deed dated 03.05.1997 and present survey No.155/20 as per patta dated 25.02.2003 without following due process of law.

For Petitioners : No appearance
For Respondents : Mr. M.R. Gokul Krishnan,
Government Advocate



O R D E R

This writ petition has been filed to issue a Writ of MANDAMUS forbearing the respondents 1 and 2 from evicting the petitioners forcibly from their shop No.34 at patta land located in old No.20 and new No.52, Sannathi Street, Thiruverkadu, Chennai - 600 077 comprised in Survey No.154/1A and 155/2, new survey No.154/1A1 and 155/1B1 as per sale deed dated 03.05.1997 and present survey No.155/20 as per patta dated 25.02.2003 without following due process of law.

2. The first respondent filed counter and revealed that the Highways Department constructed the drainage in the land comprised in Survey Nos.153 and 154 in Thiruverkadu Village which belongs to the Highways Department. In so far as the petitioner's land is concerned comprised in Survey No.155/20 just opposite to the Highways land. The construction work of the drainage was carried out in the Highway Lands and not in anybody's patta land including the petitioner's patta land in the said area. The petitioner's land is no way disturbed and no eviction of encroachments if any in the above Highway Land was also not carried out so far. The eviction of encroachments or the acquisition of the petitioner's patta land if any required to the Highways Department will be proceeded under the Tamil Nadu Highways Act, 2001 only after marking boundaries of the petitioner's property and the Highway Land by the Revenue Officials.

3. Recording the said counter, this writ petition is disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rna/rgi
To

1. The Assistant Divisional Engineer,
(Highways),
No.3, Station Road,
Varadarajapuram,
Ambattur,
Chennai - 600 053.



2. The Assistant Engineer,
Highways Department,
Building and Maintenance,
Poonamallee Division,
Chennai - 600 056.

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3. The Tahsildar,
Ambattur Taluk Office,
Ambattur,
Chennai - 600 053.

+1 cc to Government Pleader Sr.NO. 48510

+1 cc to Mr.Lesi Saravanan, Advocate Sr.NO. 48175

W.P.No. 32569 of 2013
and M.P.No. 1 of 2013

RR(CO)

A.SK(26.10.2021)