

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE T.V.THAMILSELVI

W.P.No.10195 of 2021
and
W.M.P.No.10829 of 2021

G.Shenbagavlli, F/45,
W/o.V.Gokula Krishnan,
No.618, Mannadi Amman Koil Street,
Kovilambakkam,
Chennai 600 117. Petitioner

Vs

The State rep. by
1.The District Collector,
District Collector Office,
Chengelpet,
Chengelpet District.

2.The Asst. Divisional Engineer (Highway)
Ka{Ma}Pa.Tamparam Division,
Tamparam, Chennai 600 042. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 2nd respondent in Thakeethu No.11-1/Encroachment/2020/E/Ni.U/dated 17.12.2020 and quash the same and consequently to direct the 1st respondent to give any other land or equal compensation to the petitioner property comprised in Grama Natham survey bearing No.163, situated at Mannadi Amman Koil Street, Kovilambakkam Village, Kovilambakkam, measuring with an extent of 512 sq. ft., building.

For Petitioner : Mr.K.Jayakumar

For Respondents: Mr.S.Kamalesh Kannan (for R1)
Government Advocate

Mr.M.Loganathan (for R2)
Additional Government Pleader

ORDER

(Order of the Court was passed by N.KIRUBAKARAN, J)

This Petition has been filed challenging the notice issued by the Highways authority dated 17.12.2020 by which the petitioner was asked to remove the encroachment made in the Highways.

2.Mr.K.Jayakumar, learned counsel appearing on behalf of the petitioner would submit that the petitioner has been in possession of the property to an extent of 512 sq. ft. comprised in survey No.163, situated at Mannadi Amman Koil Street, Kovilambakkam village, Kovilambakkam, which classified as grama naththam, by virtue of sale deed dated 24.10.2008 and put up a construction and enjoying the property.

3.When things stand so, the respondents came and demolish a portion which is encroached upon the National Highways. Further the petitioner was informed by the respondents that the respondent would survey the property, even within his property. He would submit that the respondents shall demolish any building within survey No.162, but not within the survey No.163.

4.Mr.S.Kamalesh Kannan, learned Government Advocate who takes notice on behalf of the respondent would submit that the respondent already demolish the portion, which has been encroached upon by the petitioner in Survey No.162 and the respondents have got no intention to disturb or touch the property possessed by the petitioner comprised in Survey No.163.

5.Though the petitioner sought for compensation for the demolished portion, which has been constructed encroaching the Highways property, comprised in survey No.162, the said prayer cannot be granted, as the act of encroachment itself is prohibited under law. Therefore, the prayer for granting compensation is denied. सत्यमेव जयते

Accordingly, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

ub/sai

To

1.The District Collector,
District Collector Office,
Chengelpet,
Chengelpet District.

2.The Asst. Divisional Engineer (Highway)
Ka{Ma}Pa.Tambaram Division,
Tambaram, Chennai 600 042.

+2cc to Mr.K.Jayakumar, Advocate, S.R.No.24885

W.P.No.10195 of 2021
and
W.M.P.No.10829 of 2021

SMI (CO)
CB(06/07/2021)



WEB COPY