

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P.Nos.31981, 31592, 31593, 32226 and 32230 of 2016
and W.M.P.Nos.27427, 27713, 27951, 27426 and 27946 of 2016

K.Gopal ... Petitioner in W.P.No.31981 of 2016
Mahalakshmi ... Petitioner in W.P.No.31592 of 2016
P.Rani ... Petitioner in W.P.No.31593 of 2016
S.Pandurangan ... Petitioner in W.P.No.32226 of 2016
K.Vediyappan ... Petitioner in W.P.No.32230 of 2016

Vs

1.The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

2.The Tahsildar,
Thiruvannamalai Taluk,
Thiruvannamalai District.

3.The Divisional Engineer,
Tamil Nadu Highways Department,
(Operations and Maintenance,
Thiruvannamalai,
Thiruvannamalai District.

4.The Assistant Divisional Engineer,
Tamil Nadu Highways Department,
(Operations and Maintenance)
North Division Office,
Tiruvannamalai, Tiruvannamalai District.

5.The Assistant Engineer,
Tamil Nadu Highways Department,
(Operations and Maintenance),
North Division Office,
Thiruvannamalai,
Thiruvannamalai District

... Respondents in all the Writ Petitions

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India, 1950, praying to issue a Writ of
Mandamus, forbearing the respondents from disturbing the

peaceful possession and enjoyment of the petitioner in the house property bearing door Nos.167/171, 453, 429, 167/171, 148 respectively, Bajanai Koil Street, comprised in Survey No.501/1, 489, 489, 501/1, 489, respectively, situated at Mangalam Village, Thiruvannamalai Taluk and District except following the procedures mandated under Tamil Nadu Land Encroachment Act, 1905 and Tamil Nadu State Highways Act and grant such other relief

For Petitioner : Mr.G.Rajan

For Respondents : Mr.K.Dhananjayan

Special Government Pleader

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The matters were heard through "Video Conference".

2.The writ petition has been filed seeking a writ of Mandamus, forbearing the respondents from disturbing the peaceful possession and enjoyment of the petitioner in the house property bearing door No. 167/171, 453, 429, 167/171, 148 respectively, Bajanai Koil Street, comprised in Survey No.501/1, 489, 489, 501/1, 489, situated at Mangalam Village, Thiruvannamalai Taluk and District.

3. Heard Mr.G.Rajan, learned counsel appearing for the petitioner and Mr.S.Kamalesh Kannan, learned Government Advocate, appearing on behalf of 4th respondent filed a counter affidavit.

4. In the said counter affidavit, it is stated that a decision had been taken to remove the encroachment in the year 2016. However, due to administrative reasons, the decision could not be carried out. Subsequently, they have decided to evict the encroachment on 18.04.2017 and the learned Government Advocate also produced photographs to that effect. The photographs also reveal that the encroachment has been removed using the JCB Machine.

5. In view of the fact that the eviction has already been carried out, there is nothing to be decided in the writ petitions. Accordingly, these writ petitions are dismissed. No costs. Connected W.M.P. s are closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

2.The Tahsildar,
Thiruvannamalai Taluk,
Thiruvannamalai District.

3.The Divisional Engineer,
Tamil Nadu Highways Department,
(Operations and Maintenance,
Thiruvannamalai,
Thiruvannamalai District.

4.The Assistant Engineer,
Tamil Nadu Highways Department,
(Operations and Maintenance),
North Division Office,
Thiruvannamalai, Thiruvannamalai District.

5.The Assistant Divisional Engineer,
Tamil Nadu Highways Department,
(Operations and Maintenance)
North Division Officee,
Tiruvannamalai, Tiruvannamalai District.

W.P.No. 31981 of 2016, 31592, 31593, 32226 & 32230 of 2016

UM(CO)
GN(22/06/2021)

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