



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.NO.17678 OF 2021

Thangavel

... Petitioner

.Vs.

1. The District Collector,
Tiruppur District,
Collector Office,
Karuppa Goundan Palayam,
Tiruppur, Pin - 641 604.
2. The Divisional Engineer,
Tamil Nadu Highways Department,
Alangium Road, Dharapuram,
Tiruppur District, Pin - 638 656.
3. The Tahsildar of Dharapuram Taluk,
Taluk Office,
Dharapuram, Pin - 638 656.

... 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 remove forthwith the encroachments made in public road belonging to Highways Department comprised in S.No.103/1 and cart road comprised in S.No.105.

For Appellant : Mr.Y.Arulmanickam

For Respondents : Mr.K.V.Sajeew Kumar
Government Counsel



JUDGMENT

[Judgment of the Court was delivered by K.KALYANASUNDARAM, J.]

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The petitioner has come up with the present Writ Petition for issuance of a Writ of Mandamus directing the respondents to remove forthwith the encroachments made in public road belonging to the Highways Department comprised in S.No.103/1 and cart road comprised in S.No.105.

2. The case of the petitioner is that he is the absolute owner of the land measuring to an extent of 1.2.00 Hectres in Survey No. 104/B2 Erasinampalayam village, Dharapuram Taluk, Tiruppur District. The land is situated on the East by Erasinampalayam-Erachapadi District Road, which is under the control of the State Highways Department. He would further state that he is having power-loom and godown on the northern side of the land having access from the road running on the eastern side of this property in Survey No.103/1 and cart-road running east-west on the southern side of this land in Survey No.105.

3. The petitioner would claim that he has been enjoying the property for so many years. While so, on 29.01.2021, the people residing nearby habitat levelled a portion of the land belonging to the Highways Department and on 02.02.2021 at about 10.00 p.m some people gathered and set up a 'Vel' and celebrated pooja over there. Subsequently, they encroached some other portion and put up temporary shed over the 'Vel'.

4. The grievance of the petitioner is that the encroachment would cause hindrance to access to his property and hence, he objected the encroachment on the land belonging to the Highways and also made a representation to the 2nd respondent on 04.02.2021 and the 1st respondent on 12.04.2021. It is further stated that he received a communication from the 1st respondent/Collector stating that his representations have been referred to the 3rd respondent/Tahsildar for necessary action. Thereafter, no action has been taken by the 3rd respondent. Hence, the present Writ Petition has been filed.

5. The learned counsel appearing for the petitioner Mr.Y.Arulmanickam while reiterating the averments made in the affidavit, would submit that the petitioner would be satisfied, if a suitable direction is issued to the 3rd respondent to consider the representation of the petitioner.

6. Mr.K.V.Sajeevkumar, the learned State Government Counsel would state that the third respondent is the competent authority and he has already received the representation sent by the



petitioner and he is ready to take action in accordance with law.

7. In the light of the submissions made by the learned counsel of the petitioner and the learned State Government Counsel, this Court without going into the merits of the matter, directs the 3rd respondent to take appropriate action on the representation of the petitioner and pass orders in accordance with law, within a period of eight weeks from the date of the receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

drm/skn

To

1. The District Collector,
Tiruppur District,
Collector Office,
Karuppa Goundan Palayam,
Tiruppur, Pin - 641 604.
2. The Divisional Engineer,
Tamil Nadu Highways Department,
Alangium Road, Dharapuram,
Tiruppur District, Pin - 638 656.
3. The Tahsildar of Dharapuram Taluk,
Taluk Office,
Dharapuram, Pin - 638 656.

+1cc to Mr.Y.Arulmanickam, Advocate, S.R.No.42762

W.P.NO.17678 OF 2021

PL(CO)
PBS/22/09/2021