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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2021

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN
AND
THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

W.P. No. 18319 of 2020
&
W.M.P. No. 22699 of 2020

Sri RamakrishnaVivekananda Mandram,
rep. by its Secretary,
Mr.K. Solmuthu Azhagan
S/o. A.D. Kuppusamy Anandar (Late),
No.197, Anna Salai,
Arcot, Ranipet District.

..Petitioner

Vs.

1. The General Manager,
M/s. The National Highways Authority
of India Limited.,
Chennai Regional Office,
'SRI' Tower, 3rd Floor,
DP-34 (SP), Industrial Estate,
Guindy, Chennai - 600 032.
 2. The Project Director/Deputy General
Manager (T),
M/s. National Highways Authority of
India Ltd., NH-46,
Door No. 259/1, Salem Main Road,
Near KAKC Petrol Bunk,
Krishnagiri - 635 001.
 3. The District Collector,
Ranipet District,
Ranipet.
 4. The Tahsildar,
Ranipet.
- (R4 suo motu impleaded by orde dated 06.07.2021
made in W.P.No.18313 of 2021 by NKKJ & TVTSJ)

..Respondents



Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus forbearing the respondents from taking any action to demolish any portion of Sri Ramakrishna Matriculation Higher Secondary School situated at NH-46 Arcot, Ranipet District run by the petitioner's society situated in an extent of 1.5 acres of lands within the limits of Arcot Municipal Town, comprised in Old Nanja S. No. 21/1B, 21/2 and 21/4, Present Municipal Ward "A" Block No.5, T.S.Nos. 78 & 97, Old T.S. No. 1, 2 & 3 without following due process of law.

For Petitioner : Ms.M. Sangeetha for
Ms.M.R. Sakunthala

For Respondents: Mr.Su. Srinivasan for R1 & R2
Mrs.R. Anitha,
State Govt. Counsel for R3 & R4

O R D E R

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

The matter is heard through videoconferencing.

2. The school, namely, Sri Ramakrishna Matriculation Higher Secondary School situated at NH-46, Arcot, Ranipet District, run by the petitioner society is comprised in Old Nanja S.No. 21/1B, 21/2 and 21/4, Present Municipal Ward "A" Block No.5, T.S.Nos. 78 & 97, Old T.S. Nos. 1, 2 & 3 of Arcot Municipal Town. The extent of the property is 1.50 acres. After acquisition of the said land, the petitioner society constructed a compound wall in the year 1980 itself. Thereafter, the school building was constructed in the year 1998 after getting due approval from the Arcot Municipality vide proceedings dated 02.02.1998. While so, the 2nd respondent's officials have forcibly entered into the said school and marked a portion of the school premises as if it is an encroachment and threatened that they will demolish the said portion without any further communication either to the school or to the petitioner society. Apprehending damage to the school building without following due process of law, the petitioner gave a representation to the 2nd respondent dated 20.11.2020, which has not been considered so far. Hence, the present writ petition.

3. Since the Tahsildar, Ranipet is a necessary party, this



Court, suo motu, impleads the Tahsildar, Ranipet, as 4th respondent to the writ petition. Mrs. R. Anitha, learned State Government Counsel takes notice on his behalf.

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4. Heard Ms.M. Sangeetha, learned counsel appearing on behalf of Ms.M.R. Sakunthala for the petitioner; Mr.Su. Srinivasan, learned counsel for respondents 1 and 2 and Mrs.R. Anitha, learned State government counsel for respondents 3 & 4..

5. Mr.Su. Srinivasan, learned counsel for respondents 1 and 2 would submit that the National Highways Authority will not take any action without inspecting the property and on survey/inspection, if it is found that there is an encroachment made by the school, then action will be taken to remove the encroachment only by following due process of law under the provisions of Control of National Highways (Land and Traffic) Act, 2002.

6. In view of the above submission made by the learned counsel for respondents 1 and 2, the 1st and 2nd respondents along with the Tahsildar, Ranipet, shall cause joint inspection, after giving notice to the petitioner and survey the property with the help of revenue records. If it is found that there is an encroachment made by the said school run by the petitioner society, respondents 1 and 2 are at liberty to take action as per the provisions of the aforesaid Act within a period of 12 weeks from the date of receipt of a copy of this order. Till the survey/inspection is conducted and any decision is taken by the National Highways Authority, no coercive steps shall be taken against the school.

7. The writ petition is disposed of with the above direction. No costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

nv



To

1. The General Manager,
M/s. The National Highways Authority
of India Limited.,
Chennai Regional Office,
'SRI' Tower, 3rd Floor,
DP-34 (SP), Industrial Estate,
Guindy, Chennai - 600 032.
2. The Project Director/Deputy General
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3. The District Collector,
Ranipet District,
Ranipet.
4. The Tahsildar,
Ranipet.

+1cc to M/s.M.R.Sakunthala, Advocate, S.R.No.31776

W.P.No. 18319 of 2020

GMI (CO)
SU(06/10/2021)