



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2021

CORAM :

WEB COPY

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE M.DURAISWAMY**

W.P. (MD) No.5341 of 2020

Rajan

... Petitioner

Vs

1.The Principal Secretary to Government,
State of Tamil Nadu,
Highways and Minor Ports Department,
Fort St. George,
Secretariat,
Chennai - 600 009.

2.The Divisional Engineer,
Tamil Nadu State Highways Department,
PWD Compound,
Veppamoodu Junction,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the second respondent to remove the encroachment of Pillayarkoil and Flag posts made in Thadikarankonam Junction, Kanyakumari District by considering the petitioner's representation dated 03.02.2020 within a stipulated time.

For Petitioner : Mr.T.A.Ebenezer
For Respondents : Mr.B.Saravanan
Government Advocate

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The petitioner complains of a small construction having sprouted at the junction of two roads in a manner that impedes the vision of drivers. There is a flag pole also which can be seen in the photographs which may also not be advisable to retain at the junction.

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2.Mr.B.Saravanan, learned Government Advocate takes notice on behalf of the first and second respondents and submits that no person claims ownership of the construction.

3.The official respondents, more particularly, the revenue officials should be vigilant that temples or other constructions are not put up on footpaths or any part of government lands. The concerned illegal and unauthorized construction will be razed. If there is any idol, the respondents authority will endeavour to hand over the idol to any nearby temple which may be interested in taking the same. If the flag pole and the construction have not been put up on any Government land or under any official process, both the constructions should be taken down as expeditiously as possible, preferably, within a month from date.

4.W.P(MD).No.5341 of 2020 is disposed of without any order as to costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PS/SSL

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Principal Secretary to Government,
State of Tamil Nadu,
Highways and Minor Ports Department,
Fort St. George, Secretariat, Chennai - 600 009.

2.The Divisional Engineer,
Tamil Nadu State Highways Department,
PWD Compound,
Veppamoodu Junction, Nagerkoil, Kanyakumari District.

+1 CC to M/s.SPL.GP (SR-30472[F] dated 28/09/2021)

W.P. (MD) No.5341 of 2020
27.09.2021

MGJ(29.10.2021) 2P 4C

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