



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD) .No.11256 of 2021

and

W.M.P. (MD) .No.8788 of 2021

R.Angamuthu

... Petitioner

Vs.

1. The District Collector,
Pudukkottai District.

2. The Superintendent,
Highway Department (RR),
Highway Department Office,
Pudukkottai District.

3. The Divisional Engineer,
Highway Department (RR),
Highway Department Office,
Pudukkottai District.

4. The Assistant Divisional Engineer,
Highway Department (RR),
Highway Department Office,
Aranthangi, Pudukkottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to construct the bridge at the diversion of Vettanur Village Road from Aranthangi to Kattumavadi Road, Pudukkottai District, by leaving sufficient space both side between the petitioner's shop in S.F.No.96/13 situated in Nagudi Village, Aranthangi Taluk, Pudukkottai District and another end by considering the petitioner's representation dated 11.06.2021.

For Petitioner

: Mr.K.Baalasundharam

For Respondents

: Mr.M.Lingadurai,

Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to consider the representation made by the petitioner on 11.06.2021, wherein, the petitioner has



complained that a bridge is being constructed without leaving any space between the shop belonging to the petitioner and the place where it is proposed to be constructed.

2. When the matter was taken up for admission, the learned Government counsel submitted that the petitioner had encroached upon the property belonging to the Highways and hence, a notice has been issued by the fourth respondent to the petitioner and two others, directing them to remove the encroachment.

3. The learned counsel for the petitioner submitted that no such notice has been issued to the petitioner till date and the respondents are proceeding to construct the bridge.

4. In the considered view of this Court, the written instructions and the relevant materials that have been circulated before this Court at the time of hearing shows that there is a notice issued by the fourth respondent to the effect that the petitioner and two others have encroached upon the property belonging to the Highways. Therefore, no further orders can be passed in the present Writ Petition.

5. If the notice has not been served on the petitioner till today (07.07.2021), there shall be a direction to the fourth respondent to serve a fresh notice on the petitioner within a period of one (1) week from today (07.07.2021) and it is left open to the petitioner to work out his remedy in the manner known to law.

6. The Writ Petition stands disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

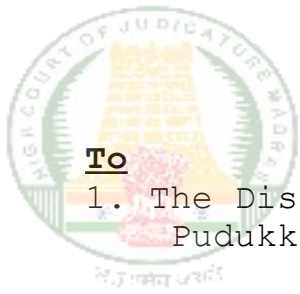
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/ /2021

Sub Assistant Registrar(CS)

Tsg

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 District Collector,
Pudukkottai District.
2. The Superintendent,
Highway Department (RR),
Highway Department Office,
Pudukkottai District.
3. The Divisional Engineer,
High Department (RR),
High Department Office,
Pudukkottai District.
4. The Assistant Divisional Engineer,
Highway Department (RR),
High Department Office,
Aranthangi, Pudukkottai District.

+1 CC to M/s.SPL GP (SR-21715[F] dated 08/07/2021)

Order made in
W.P. (MD) .No.11256 of 2021

Dated:

07.07.2021

CN(12.07.2021) 3P 6C