



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.12163 of 2021

N.Sahayaraj

... Petitioner

Vs.

1. The District Collector,
Dindigul District,
Dindigul.
2. The Chairman,
National Highways Authority of India,
G-5 & 6, Sector-10,
Dwaraka, New Delhi-110 045.
3. The Regional Officer,
National Highways Authority of India,
No.2nd and 3rd Floor,
Vijay Krishna Plaza,
No.1, Lake Area, Melur Main Road,
Mattuthavani, Madurai.
- 4.Jerald
- 5.Arulandha
- 6.Kulanthairaj
- 7.V.J.John

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents No.2 and 3 to remove the encroachment in left side of the Dindigul to Karaikudi Road NH383 Highway at Km 13/6 to 13/8 made by the respondents No.4 to 7 by considering the petitioner's representation, dated 13.08.2020.

For Petitioner : Mr.S.Krishnan
For R1 to R3 : Mr.A.K.Manickam
Standing Counsel for Government



O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

With the consent on either side, the Writ Petition itself is taken up for final disposal.

2.Heard Mr.S.Krishnan, learned Counsel appearing for the petitioner and Mr.A.K.Manickam, learned Standing Counsel for Government appearing for the respondents 1 to 3.

3.The petitioner has filed this Writ Petition praying for a Writ of Mandamus, directing the respondents No.2 and 3 to remove the encroachment in the left side of the Dindigul to Karaikudi Road NH383 Highway at Km 13/6 to 13/8 made by the respondents No.4 to 7 by considering his representation, dated 13.08.2020.

4.Earlier, the petitioner has approached this Court for a similar relief in W.P.[MD]No.10028 of 2018, stating that the private respondents therein namely, respondents 5 to 8 are encroachers on the highway land and prayed for a direction to consider his representation. The said writ petition was disposed of on 27.04.2018. It is submitted by the learned Counsel for the petitioner that pursuant to the said direction, the authorities took action in accordance with law and removed the encroachment.

5.Now, the grievance of the petitioner is that the respondents 4 to 7 have encroached the lane in question and in this regard, the petitioner has submitted a representation to the District Collector, Dindigul dated 19.08.2020 and the same has been shown to have been received in the office of the District Collector, vide tracking information.

6.Since we are disposing of the writ petition at the admission stage, without notice to the respondents 4 to 7, we direct the first respondent to consider the representation and if there is any encroachment, then notice should be given to the encroachers and action be initiated for removing the encroachment in accordance with law. If the encroachment is in highways land, then appropriate intimation be given to the concerned authorities of the national highways for taking appropriate action with the assistance of the revenue officials. This direction be complied with within a period of three [3] months from the date of receipt of a copy of this order.

7.With the above direction, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



MR

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,
Dindigul District, Dindigul.
2. The Chairman,
National Highways Authority of India,
G-5 & 6, Sector-10,
Dwaraka, New Delhi-110 045.
3. The Regional Officer,
National Highways Authority of India,
No.2nd and 3rd Floor,
Vijay Krishna Plaza,
No.1, Lake Area, Melur Main Road,
Mattuthavani, Madurai.

+1 CC to M/s. SPL GP (SR-23487[F] dated 22/07/2021)

W.P. [MD]No.12163 of 2021
20.07.2021

RC (30.07.2021) 3P-5C