



WEB COPY

W.P.[MD]No.15495 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.15495 of 2020

A.Abdul Musjit

... Petitioner

Vs.

1.The Assistant Engineer
High Ways Department
Madurai North Division
Race Course Salai
Near District Court
Madurai

2.The Divisional Engineer
High Ways Department
Alagarkovil Road
Near Thamaraitthotti
Madurai

3.Muthaiah

4.Duraipandi

... Respondents

(Respondents 3 and 4 are impleaded as per order of this Court made in WMP(MD).No.16574 of 2020, dated 09.06.2021)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to remove the encroachments made in State Highways 73A, in S.No.16 at Keelamathur Village, Madurai West Taluk, Madurai District.

For Petitioner	: Mr.R.Murali
For R1 & R2	: Mr.R.Baskaran
	Standing Counsel for Government
For R3 & R4	: Mr.I.Velpradeep



ORDER

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

We have heard Mr.R.Murali, learned counsel appearing for the petitioner and Mr.R.Baskaran, learned Standing Counsel for Government appearing for the respondents 1 and 2 and Mr.I.Velpradeep, learned Counsel appearing for the respondents 3 to 4.

2.This Writ petition has been filed for issuance of Writ of Mandamus, directing the respondents to remove the encroachments made in State Highways 73A, in S.No.16 at Keelamathur Village, Madurai West Taluk, Madurai District.

3.The status report has been filed by the Divisional Engineer, Construction and Maintenance, Highways Department, Madurai. The averments which are relevant in the Writ petition reads as follows:

- *It is respectfully submitted that the three of four old housed is under damaged condition and it was earlier occupied by Mr.Muthiah and his sons and the same was occasionally visited by them till now. The another old house is not damaged and is now occupied by Mr.Uthayasuriyan & his brother.*
- *It is submitted that Thasildhar Madurai west was approached for demarcating the extent of encroachment in State Highways SH 73A before the petitioners land.*
- *The Thasildhar Madurai West confirmed that land before petitioner has been encroached by Mr.Uthayasuriyan, S/o. Mr.Gandhi & Mr.Muthiah, S/o. Sankarathevar based on the field investigation made by officials of Revenue Department.*
- *It is respectfully submitted that Assistant Divisional Engineer (H) Construction & Maintenance through Assistant Engineer (H) C & M Madurai South has issued Notice Na.Ka.En: 10/2020/JDO, Dt 18.11.2020 for eviction to the encroachers before petitioner's lands with 15 days duration as per Section 28-2(ii) of Tamil Nadu Highways Act, 2001.*
- *It is respectfully submitted that the Notice was served through Assistant Engineer (H) C & M Madurai South in person and the same has been received by the encroachers and also the copy of Notice was stucked on walls of the encroached four old houses.*



- It is submitted that after 15 days from Notice date the encroachment before petitioner's land will be evicted by Highways Department in coordination with Revenue Departments."

4. In terms of the status report, it is clear that there is an encroachment. Necessary steps be taken for removing the encroachments within 15 days from the date of receipt of copy of this order.

5. With the above observations, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

msa/cp

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 Assistant Engineer
High Ways Department
Madurai North Division
Race Course Salai
Near District Court
Madurai

2. The Divisional Engineer
High Ways Department
Alagarkovil Road
Near Thamaraitthotti
Madurai

+1 CC to MR.R.MURALI, Advocate (SR-19136[F] dated 10/06/2021)

ORDER MADE IN
W.P. [MD] No. 15495 of 2020
09.06.2021

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MGJ(19.07.2021) 3P 4C