



WEB COPY

W.P(MD)No.17971 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.17971 of 2021

and

W.M.P(MD)No.14842 of 2021

Muthusamy

... Petitioner

Vs.

- 1.The District Collector,
Thoothukudi District.
- 2.The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.
- 3.The Tahsildhar,
Sathankulam Taluk,
Thoothukudi District.
- 4.The Divisional Engineer,
Construction and Maintenance,
Highways Department,
Thoothukudi.
- 5.The Assistant Divisional Engineer,
Construction and Maintenance,
Highways Department,
Sathankulam,
Thoothukudi District.
- 6.Mohanraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned eviction notice issued by the fifth respondent in Ka.No.171/2020/Ka dated 29.07.2021 and quash the same.

For Petitioner	: Mr.R.Balakrishnan
For RR 1 to 5	: Mr.P.Thilak Kumar
	Government Pleader



ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorari, to call for the records pertaining to the impugned eviction notice issued by the fifth respondent dated 29.07.2021 and to quash the same.

2.Mr.R.Balakrishnan, learned counsel appearing for the petitioner fairly submitted that the petitioner had planted coconut trees in Survey No.1350/2 belonging to the Highways Department and that he is willing to remove the encroachment made in the road poramboke. The learned counsel appearing for the petitioner further submitted that the respondents are taking action only in respect of the encroachment made by the petitioner and that they have not initiated any action against the other encroachers, who have also planted trees in the land belonging to the Highways Department.

3.Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 1 to 5 submitted that the respondents 1 to 5 would take appropriate action for removing the encroachment made by the other encroachers including the sixth respondent. Further, the learned Government Pleader submitted that the official respondents shall take necessary action in accordance with law for removal of the encroachments made in Survey No.1350/2 and in other survey numbers adjoining the said land.

4.The submissions made by the learned counsel on either side are recorded and the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

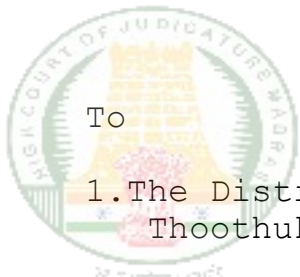
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/ /2021

Sub Assistant Registrar(CS)

indu/ps

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,
Thoothukudi District.
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Thoothukudi District.
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Construction and Maintenance,
Highways Department,
Thoothukudi.
- 5.The Assistant Divisional Engineer,
Construction and Maintenance,
Highways Department,
Sathankulam,
Thoothukudi District.

+1 CC to M/s.R.BALAKRISHNAN, Advocate (SR-31092[F] dated 04/10/2021)

+1 CC to M/s.SPL.GP (SR-31170[F] dated 05/10/2021)

W.P (MD) No.17971 of 2021
04.10.2021

KS (CO)
KB (12.10.2021) 3P 8C