



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.12.2021**

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.P (MD)No.22762 of 2021

C.Vairamani

... Petitioner

Vs.

1.The District Collector,
District Collectorate,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.

3.The Divisional Engineer,
Construction and Maintenance,
Highways Department,
Virudhunagar.

4.The Assistant Divisional Engineer,
Construction and Maintenance,
Highways Department,
Virudhunagar.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings in letter No.140/Encroachment/2021/A1/ 01.12.2021 passed by the 4th respondent and quash the same.

For Petitioner : Mr.P.Athimoolapandian

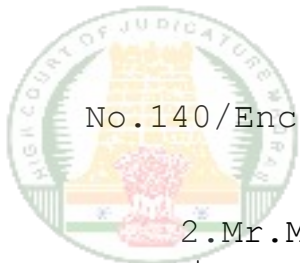
For Respondents : Mr.M.Siddharthan

Additional Government Pleader

O R D E R

(Order of the Court was made by PUSHPA SATHYANARAYANA, J.)

The Writ Petition has been filed challenging the eviction
<https://hcservices.courts.gov.in/hcservices/> by the fourth respondent in letter



No.140/Encroachment/2021/A1 dated 01.12.2021.

2.Mr.M.Siddharthan, learned Additional Government Pleader, accepts notice on behalf of the respondents.

WEB COPY

3.By consent of both sides, this Writ Petition itself is taken up for final disposal at the time of admission.

4.On 24.11.2021, the Assistant Divisional Engineer, Construction and Maintenance, Highways Department, Virudhunagar, has issued a notice under Section 28-2(ii) of the Tamil Nadu Highways Act, 2001, calling upon several of the encroachers on the Watrap - Maharajapuram - Alagaupuri - Virudhunagar Road, Sengundrapuram Village to vacate. Several Writ Petitions have been filed against it and the writ petitioners had undertaken to vacate the premises within a period of four weeks.

5.So far as this Writ Petition is concerned, pursuant to the notice dated 24.11.2021, the writ petitioner had given an objection on 28.11.2021, stating that he has not encroached any highways land and the residence of the petitioner is not on the main road. He has also pleaded ignorance that his house was measured by the authorities and produced his house tax receipts, electricity consumption charges receipt, his Aadhar and Family Card. The fourth respondent referring his objection dated 30.11.2021, issued the impugned order confirming the notice of eviction. The notice has further stated that measurement was already conducted on 28.11.2021, which is admitted by the petitioner in his reply notice.

6.As the encroachment is on the Highways, it would be proper to evict all the encroachers and this Court cannot give protection. When similarly placed persons have already vacated the place pursuant to the earlier notice of eviction, the Writ Petitioner cannot be given indulgence in this regard. From the documents attached, we are able to see that the petitioner is an encroacher and the authorities have followed the procedures by surveying the land and measuring them and then issued notice. After receiving the objections from the writ petitioner, the same was also considered and then this order of eviction was passed. Therefore, there is no reason to interfere in the order of eviction passed by the authorities.

7.In view of the above, the Writ Petition is dismissed. However, considering the plight of the petitioner, we grant him four weeks time from the date of receipt of a copy of this order

<https://hcservices.ecourts.gov.in/hcservices/>



to vacate his premises. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (WRITS)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

sj

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,
District Collectorate,
Virudhunagar District,
Virudhunagar.
- 2.The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.
- 3.The Divisional Engineer,
Construction and Maintenance,
Highways Department,
Virudhunagar.
- 4.The Assistant Divisional Engineer,
Construction and Maintenance,
Highways Department,
Virudhunagar.

+1 CC to M/s.SPL GP (SR-40208[F] dated 23/12/2021)

**W.P (MD) No.22762 of 2021
22.12.2021**

NSN (CO)

SB(04.01.2022) 3P 6C

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