



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.7822 of 2022

Paramasivam

... Petitioner

vs

1. The District Collector,
Tiruppur, Tiruppur District.
2. The Superintendent of Engineer,
Highways Department,
Construction and Maintenance,
College Road, Tiruppur.
3. The Divisional Engineer,
Highways Department,
College Road, Tiruppur.
4. The Assistant Divisional Engineer,
Highways Department,
College Road, Tiruppur.
5. Sivaprakasam

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to remove the encroachment made in the 'Highway' in Coimbatore to Salem Highway at Attavanai Pallagounden Palayam, Uthukuli Taluk, Thiruppur District by considering the petitioner's representation dated 29.11.2021.

For Petitioner : Ms.Shase

For Respondents : Mr.A.Selvendran,
Special Government Pleader
for R1 to 4

ORDER

[Order of this Court was delivered by T.RAJA, J.]

Paramasivam, S/o.P.N.Muthu, resident of Attavanai



Pallagounden Palayam, Uthukuli Taluk, Thiruppur District, the petitioner herein has come to this Court with this petition for issuance of a writ of Mandamus under Article 226 of the Constitution of India seeking a direction to respondents 1 to 3 to remove the encroachment made in the 'Highway' in Coimbatore to Salem Highway at Attavanai Pallagounden Palayam, Uthukuli Taluk, Thiruppur District by considering his representation dated 29.11.2021.

2.Learned counsel appearing for the petitioner submitted that the petitioner is the owner of the land covered in S.Nos.23/1A, 23/2A, 23/2B, 23/3, 23/4A, 23/10A, 23/11A, 23/12A, 23/12B, 23/12C and 23/13, situated at Attavanai Pallagounden Palayam, Uthukuli Taluk, Thiruppur District and has been in peaceful possession and enjoyment of the above land. Learned counsel for the petitioner further submitted that between his property and the National Highway, there is a vacant poramboke land, belonging to respondents 2 to 4. While so, the fifth respondent along with his relatives, encroached the Southern side of the Highway and Northern side of the petitioner's patta land. In this regard, the petitioner made a representation dated 29.11.2021 to the official respondents to remove the encroachment. As the same has not been considered, the petitioner is before this Court.

3.Learned Special Government Pleader appearing for respondents 1 to 4, placing on record a written instruction dated 01.04.2022 received from the Divisional Engineer, Highways Department, Tiruppur, submitted that as alleged by the petitioner, if there is an encroachment in the Government Poramboke land, the same will be removed, after measuring the said land.

4.Recording the said submission made by the learned Special Government Pleader appearing for respondents 1 to 4 that encroachment, if any will be removed from the Government Poramboke land, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vga



To

1. The District Collector,
Tiruppur, Tiruppur District.
2. The Superintendent of Engineer,
Highways Department,
Construction and Maintenance,
College Road, Tiruppur.
3. The Divisional Engineer,
Highways Department,
College Road, Tiruppur.
4. The Assistant Divisional Engineer,
Highways Department,
College Road, Tiruppur.

+lcc to Mr.M.Guruprasad, Advocate, S.R.No.23095
+lcc to the Government Pleader, S.R.No.23230

W.P.No.7822 of 2022

BS (CO)
CT 19/04/2022