



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2022

CORAM :

THE HON'BLE MR.JUSTICE R.MAHADEVAN

AND

THE HON'BLE MRS.JUSTICE S.ANANTHI

W.P.No.12149 of 2022

Rajeswaran

.. Petitioner

Vs.

1. The Divisional Engineer
Highways Department
Gobichettipalayam
Erode District.

2. The Divisional Revenue Officer
O/o. Divisional Revenue Office
Gobichettipalayam
Erode District.

3. The Tahsildar
Taluk Office
Nambiyur- post & Taluk
Erode District.

4. Velliyangiri

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents 1 to 3 to remove the encroachment of the Mutton and Chicken stall put up by the fourth respondent on the abutting the road.

For the Petitioner : Mr.D.Veerasekaran

For the Respondents : Mr.A.Selvendran
Special Government Pleader
for respondents 1 to 3



ORDER
(Order of the Court was made by R.Mahadevan,J)

The petitioner seeks a direction to the respondents 1 to 3 to remove the encroachment made by the fourth respondent by erecting a mutton and chicken stall on the pathway.

2. According to the learned counsel for the petitioner, the said shop encroached the part of the road of Highways Department and also on the right side of the petitioner's house. Though the petitioner made a complaint before the police authorities on 30.09.2021 and separate petitions before the respondent officials, no fruitful action has been forthcoming with regard to the claim of the petitioner. Therefore, this writ petition.

3. Today, when the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents 1 to 3 produced a copy of the communication sent to him by the first respondent in Lr.No.07/2022-23/A-1 dated 05.05.2022, the relevant passage of which reads as follows:

"...one Thiru.Velliyangiri has installed a temporary mutton stall adjacent to highways land which causes inconvenience to free movement of the petitioner.

The Tahsildar, Nambiyur has been requested to survey the land more particularly the disputed site for taking appropriate action. Once the report of the Tahsildar is received and if it is found to be an encroachment necessary action will immediately be initiated against the encroached to remove the encroachment by following Highways Rules in force..."

4. In the light of the aforesaid communication, the respondents 1 to 3 are directed to complete the entire exercise within a period of four weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. There will be no order as to costs.

Sd/-
Assistant Registrar(Vacation Officer)

//True Copy//

Sub Assistant Registrar

kpl/RS



To:

1. The Divisional Engineer
Highways Department
Gobichettipalayam
Erode District.

2. The Divisional Revenue Officer
O/o. Divisional Revenue Office
Gobichettipalayam
Erode District.

3. The Tahsildar
Taluk Office
Nambiyur- post & Taluk
Erode District.

+1 cc to Mr.D.Veerasekaran, Advocate Sr.NO. 31108

+1 cc to Government Pleader Sr.NO. 31199

W.P.No.12149 of 2022

SV(CO)

A.SK(25/05/2022)