



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.NO.14772 OF 2022

D.Radhakrishnan

.. Petitioner

Vs

1. The Assistant Divisional Engineer
(Highways) (C & M)
State Highways Department
Thiruvannamalai - 606 601.
2. The District Collector
Thiruvannamalai District
Thiruvannamalai - 606 603.
3. The Divisional Engineer
(Highways) (C & M)
State Highways Department
Thiruvannamalai - 606 601.
4. The Revenue Divisional Officer
Thiruvannamalai Revenue Division
Thiruvannamalai District
Thiruvannamalai - 606 603.
5. The Tashildar
Thiruvannamalai District
Thiruvannamalai - 606 601.
6. The Assistant Engineer
(Highways) (C & M) North
State Highways Department
Thiruvannamalai - 606 601.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records in Order No.50/ 2022/U/ dated 12.05.2022 on the file



of 1st Respondent herein and consequently direct the Respondents to acquire the land in accordance with law.

For the Petitioner : Mr.B.Manoharan

For the Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by
Mr.A.Selvendran
Spl. Government Pleader

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ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

By this writ petition, a challenge is made to the notice dated 12.5.2022 directing the petitioner to remove the alleged encroachment of 80 sq.mtr. in Survey No.244/1.

2. Learned counsel for the petitioner submits that by way of assignment the land in Survey No.244/20 was allotted and subsequently purchased by his ancestors and now it exists in his name. He is not in possession of the land other than 741 sq. mtrs. comprised in Survey No.244/20. Thus, notice to remove encroachment has been erroneously given by the respondents.

3. Learned Additional Advocate General submits that the encroachment has been made in Survey No.244/1 and, therefore, to the extent of encroachment of 80 sq. mtrs., the notice has been caused, which is not in regard to the land for which assignment was made in favour of the petitioner. Accordingly, he prayed for dismissal of the writ petition.

4. We have considered the rival submissions and perused the records.

5. We find that so far as the notice under challenge is concerned, it is not in regard to the land in Survey No.244/20, but pertains to the land in Survey No.4/6 244/1. The explanation given by the petitioner is that he is not occupying any part of the land in Survey No.244/1.

6. We would, therefore, dispose of the writ petition with a direction to the respondents that before any further action is taken, a survey may be conducted within a month from the date of receipt of a copy of this order and if it is found that the petitioner is in possession of the land other than the land in



Survey No.244/20, they may proceed immediately thereupon to remove the encroachment.

There will be no order as to costs. Consequently, W.M.P.Nos.13966 and 13967 of 2022 are closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Assistant Divisional Engineer
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State Highways Department
Thiruvannamalai - 606 601.

+2ccs to M/s.B.Manoharan, Advocate, S.R.Nos.35976, 34793
+1cc to the Government Pleader, S.R.No.35326 & 35551

W.P.No.14772 of 2022

BP(CO)
RLP(17/06/2022)