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W.P.No.19000 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HON'BLE TMT. JUSTICE T.V.THAMILSELVI

W.P.No.19000 of 2018

K.Murugan

.. Petitioner

VS.

1.The State of Tamil Nadu,
Rep. By its Secretary, Highways Department,
Fort St.George, Chennai.
(Amended as per the order dated 14.08.2019)

2.The National Highways Authority of India,
No.DP 34, Sri Towers, South Phase 3rd Floor,
Guindy, Chennai-600 032.

3.The National Highways Authority of India,
No.1/55, 28 Butt Road, SRI Tower,
SP Industrial Area, St.Thomas Mount,
(Near Kathiapara Junction),
Chennai-600 016.

4.The District Collector,
Tiruvallur District, Tiruvallur.

5.The Divisional Engineer (C&M),
Highways Department,
Tiruvallur Division, Tiruvallur.
(R4 and R5 impleaded as per the order
dated 14.08.2019)

.. Respondents



W.P.No.19000 of 2018

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to remove the unauthorized occupation and encroachments in the Highways Road in Survey No.34/2A, 34/1A and 34/1B, Kamadhenu Nagar, Thiruvottiyur forthwith.

For Petitioner : M/s.L.Chandrakumar

For Respondents : Mr.P.Muthukumar
State Government Pleader for R1 to R3

ORDER

(Order of the Court was made by D.Krishnakumar, J.)

The Writ Petition has been filed for a Mandamus directing the respondents to remove the unauthorized occupation and encroachments in the Highways Road in Survey No.34/2A, 34/1A and 34/1B, Kamadhenu Nagar, Thiruvottiyur forthwith.

2. The petitioner is a resident of the house sites in S.Nos.34/2A, 34/1A and 34/1B, Kamadhenu Nagar, Thiruvottiyur, which has been constructed after getting appropriate planning permission and approval. According to the petitioner, as per the sanctioned plan, the plots are bounded on the east by Ennore Express Road, but between the road and the land, there is a very thin line of about 5 feet and the State Highways as well as National Highways run



W.P.No.19000 of 2018

on the eastern side, wherein several encroachments came into being and therefore, the petitioner was constrained to approach the authorities seeking removal of such encroachments in the State and National Highways. The petitioner, in this regard has submitted a written representation dated 29.04.2018 to the respondents and since no action whatsoever was taken by the respondents, the petitioner has filed the instant writ petition.

3. The fifth respondent has filed a Status Report dated 29.06.2022 stating that 44 encroachers including two religious structures have encroached upon the said lands and show cause notices were issued on them on 30.06.2022 under Sections 28(2)(ii) of the Tamil Nadu State Highways Act, 2001, to vacate from the encroached portion of lands and the encroachers have appeared for enquiry and produced documents like Ration Card, Voter ID, Pan Card and Bank Pass Book, but none of them produced any valid document substantiating their claim of title over the lands occupied by them and after conducting detailed enquiry, the third respondent has passed the order dated 15.06.2022 directing the occupants to vacate from the encroachments, which is under challenge in W.P.No.16505 of 2022 and therefore, according to the respondents, respondents are taking steps to remove the encroachments and



W.P.No.19000 of 2018

the same will be removed as per the direction of this Court after getting police protection and also after ensuring that there is no law and order problem.

4. Recording the aforesaid submission made by the respondents and in the light of the directions passed by this Court in W.P.No.16505 of 2022, the respondents are directed to consider the petitioner's representation dated 29.04.2018 and shall take every endeavour to remove the encroachments in the aforesaid survey numbers without any further delay, within a period of twelve weeks from the date of receipt of a copy of this order.

5. The Writ Petition stands disposed of with the above directions. No costs.

[D.K.K., J.,] [T.V.T.S., J.]
28.10.2022

Index : Yes / No
Internet : Yes / No
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To

1. The Secretary to Government,
The State of Tamil Nadu,
Highways Department,
Fort St. George, Chennai.



W.P.No.19000 of 2018

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W.P.No.19000 of 2018

D.KRISHNAKUMAR, J.,
AND
T.V.THAMILSELVI, J.

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W.P.No.19000 of 2018



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W.P.No.19000 of 2018

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