



W.P.(MD) No.382 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.382 of 2020

and

W.M.P.(MD)No.292 of 2020

S.Jayaprakash

... Petitioner

-Vs-

1.The Secretary to Government,
Department of National Highways,
Fort. St.George,
Chennai-9.

2.The District Collector,
Madurai District,
Madurai.

3.The Divisional Engineer,
National Highways,
Madurai-20.

4.Rajasekar
5.Sivaraman

... Respondents

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WEB CONTENT

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to [direct the respondents 1 to 3 to reconvey the unutilized portion of land in S.No.49/13D, 49/13E of Samayanallur Village, Madurai North Taluk, Madurai District to the petitioner and] direct the respondents 1 to 3 to remove encroachments made by the respondents 4 and 5 on the said lands.

[a portion of prayer is given up vide order dated 09.01.2020]

For Petitioner	: Mr.A.V.Kannan
For R1 & R2	: Mr.P.Thilak Kumar
	Government Pleader
For R3	: Mr.Arul Vadivel @ Sekar
For R4	: Mr.S.Sugumar
For R5	: Mr.K.Rajeshwaran

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition has been filed, seeking Writ of Mandamus to direct the respondents 1 to 3 to remove the encroachments made by the respondents 4 and 5 in S.Nos.49/13D, 49/13E of Samayanallur Village, Madurai North Taluk, Madurai District.

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2.Today, when the matter was taken up for hearing, the learned counsel for the respondents 4 and 5 jointly submitted that they have not encroached the subject land as projected by the petitioner and they have also no objections for removal of encroachments, if any, by the competent authorities.

3.The aforesaid statement is not refuted by the learned counsel for the petitioner and the same is recorded.

4.In view of the above, the authorities concerned are directed to survey the place in question. If there is any encroachment, the same shall be removed after affording sufficient opportunity to all the parties concerned and by following the due process of law, as expeditiously as possible.

5.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] & [J.S.N.P., J.]

26.10.2022

Index : Yes / No

Internet : Yes / No

Myr

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R.MAHADEVAN, J.

AND

J.SATHYA NARAYANA PRASAD, J.

Myr

To

1.The Secretary to Government,
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