



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2022

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)Nos.690, 701, 705, 707 and 709 of 2022
and
WMP(MD)Nos.550, 554, 558, 561 and 562 of 2022

Rajanikanth	... Petitioner in W.P.690/2022
Saravana Kumar	... Petitioner in W.P.701/2022
Devendran	... Petitioner in W.P.705/2022
Baskaran	... Petitioner in W.P.707/2022
Chelladurai	... Petitioner in W.P.709/2022

vs.

The Manager (Technical)
Indian National Highway Authority,
The Project Director Office,
No.1, 2nd Floor, Subramaniamapuram
3rd Street, Karaikudi,
Sivagangai District. ... Respondent in all WPs

Prayer in W.P(MD)No.690/2022 : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the respondent pertaining to the impugned notice dated 21.12.2021 in respect of Survey No.134/2, 134/7 with an extent of 70 sq.mtr (GVS Maligai Shop) situate Melamuthudaiyanpatti Village, Vellanur Revenue Village, Kulathur Taluk, Pudukkottai District and quash the same.

Prayer in W.P(MD)No.701/2022 : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the respondent pertaining to the impugned notice dated 21.12.2021 in respect of Survey No.134/2, 134/7 with an extent of 42 sq.mtr. in the petitioner's cell phone shop and shed situate Melamuthudaiyanpatti Village, Vellanur Revenue Village, Kulathur Taluk, Pudukkottai District and quash the same.

Prayer in W.P(MD)No.705/2022 : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the respondent pertaining to the impugned notice dated 21.12.2021 in respect of Survey No.134/2, 134/7 with an extent of 435.50 sq.mtr. (Hotel and Tea shop) situate



Melamuthudaiyanpatti Village, Vellanur Revenue Village, Kulathur Taluk, Pudukkottai District and quash the same.

Prayer in W.P(MD)No.707/2022 : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the respondent pertaining to the impugned notice dated 21.12.2021 in respect of Survey No.134/2, 134/7 with an extent of 77 sq.mtr. (Provision Store) situate Melamuthudaiyanpatti Village, Vellanur Revenue Village, Kulathur Taluk, Pudukkottai District and quash the same.

Prayer in W.P(MD)No.709/2022 : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the respondent pertaining to the impugned notice dated 21.12.2021 in respect of Survey No.134/2, 134/7 with an extent of 44 sq.mtr. (Mohan Chicken Shop) situate Melamuthudaiyanpatti Village, Vellanur Revenue Village, Kulathur Taluk, Pudukkottai District and quash the same.

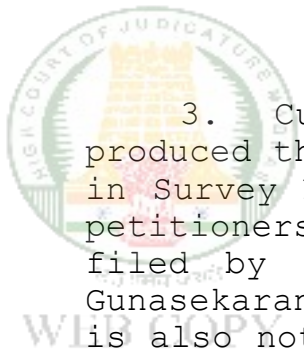
For Petitioner(in all WPs) : Mr.K.Baalasundharam
For Respondent(in all WPs) : No appearance

COMMON ORDER

(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)

In all these writ petitions, the challenge is to the notice issued by the Manager (Technical), Indian National Highway Authority, Karaikudi. The notice specifically states that on the Trichy-Karaikudi National Highway near Muthudaiyanpatti Village, accidents occur frequently. Besides, the respondent authorities proposed to construct a sewerage channel, they wanted to remove all those encroachments along the National Highway. Accordingly, the impugned notices are issued to all the encroachers to raise their objections, if any, within a period of three days from the date of receipt of the notice, otherwise, the encroachments have to be removed by themselves within a period of 7 days. The said notices are put to challenge in the above writ petitions.

2. In all the impugned notices, the survey numbers referred are 134/2 and 134/7 in Muthudaiyanpatti Village. In W.P(MD)No.690 of 2022, in support of the case of the petitioner, he has produced a sale deed dated 10.05.2005. What has been purchased by the petitioner under the said sale deed is in Survey No.134/5. Similarly, in W.P(MD)No.701 of 2022, though the petitioner claims that he had not occupied or encroached on Survey Nos.134/2 and 134/7, he has not produced any document of title to support his case. Same is the case with the other owners who are the petitioners in W.P(MD)Nos.705, 707 and 709 of 2022.



3. Curiously, the petitioner in all the writ petitions have produced the patta of one Gunasekaran who owns a portion of the land in Survey No.134/7. Though originally the learned counsel for the petitioners mentioned that notice was issued in a writ petition filed by the said Gunasekaran, later, he stated that the said Gunasekaran had only filed the writ petition and not yet moved. It is also not known why the patta standing in the name of Gunasekaran for the Survey No.134/7 is filed in all the writ petitions, when the petitioners by themselves are unable to file any document of title in support of their case.

4. The only objection raised by the learned counsel for the petitioners is that the authorities without surveying the lands are trying to remove the petitioners from their possession. When the survey numbers mentioned in the impugned notices are totally unconnected to the claim of the petitioners, the petitioners cannot raise such objection.

5. Be that as it may, though we are not inclined to entertain any of the writ petitions, we only direct the respondent to measure and survey the property before the petitioners are removed as encroachers, so that it will eliminate any doubt in the minds of the petitioners that they have been unauthorisedly thrown out.

6. Therefore, the respondent is directed to measure the property and in the event, the petitioners are in occupation of the survey numbers mentioned in the impugned notice, they may be removed in the manner known to law.

7. With the above direction, the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

bala

To

The Manager (Technical)
Indian National Highway Authority,
The Project Director Office,
No.1, 2nd Floor, Subramaniamapuram
3rd Street, Karaikudi,
Sivagangai District.

W.P(MD)Nos.690, 701, 705, 707 & 709 of 2022

DATED : 19.01.2022

MGJ(31.01.2022) 3P 2C