



W.P(MD)No.16358 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P(MD)No.16358 of 2019

P.Rameshkumar

... Petitioner

VS.

1.The Divisional Engineer,
National Highways Department,
Palani,
Dindigul District.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

3.The Executive Engineer,
National Highways Department,
Palani, Dindigul District.

4.Thangam

5.Tamilarasi

6.Gnanasekaran

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 to 6 in Survey No.33 situated at Dindigul Main Road (NH-83), Kanakkanpatti, Palani Taluk,

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WEB C Dindigul District by considering the petitioner's representation, dated 20.04.2015 followed by a reminder dated 13.07.2019.

For Petitioner : Mr.T.Lenin Kumar
For RR 1 to 3 : Mr.V.Nirmal Kumar
Government Advocate
For RR 4 & 6 : Mr.Ananth C.Rajesh
For R – 5 : No appearance

ORDER

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

The prayer made in this Writ Petition is to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 to 6 in Survey No.33 situated at Dindigul Main Road (NH-83), Kanakkanpatti, Palani Taluk, Dindigul District by considering the petitioner's representation, dated 20.04.2015 followed by a reminder dated 13.07.2019.

2. Today, when the matter was taken up for hearing, the learned Government Advocate appearing for the respondents 1 to 3 produced the eviction notice issued by the Assistant Divisional Engineer, National Highways, Palani in Memo.No.01/2022/த.ஞ/உ/ dated 07.10.2022 and

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submitted that the abovesaid eviction notice has been issued to the encroachers concerned to remove the encroachment in the place in question on or before 26.10.2022, failing which, encroachments will be removed on 27.10.2022 by the National Highways Authorities concerned. Thus, he submitted that the steps are being taken up to remove the encroachments.

3. The said submission and the eviction notice, dated 07.10.2022 are not refuted by the learned counsel appearing for the petitioner.

4. Recording the abovesaid submission of the learned Government Advocate, this Writ Petition is disposed of directing the authorities concerned to act upon the abovesaid eviction notice, dated 07.10.2022 and remove the encroachments in the place in question, after affording sufficient opportunity to all the parties concerned and by due process of law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Index : Yes / No
Internet : Yes

[R.M.D.,J.] [J.S.N.P.,J.]
13.10.2022

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To

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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

ps

ORDER MADE IN
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