



W.P.(MD) No.17906 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2022

CORAM:

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

W.P.(MD) No.17906 of 2021

and

W.M.P.(MD) No.324 of 2022

G.Thavamani

... Petitioner

-VS-

- 1.The District Collector
Tenkasi District
Tenkasi
- 2.The Revenue Divisional Officer
Sankarankovil
Tenkasi District
- 3.The Tahsildar
Sivagiri Taluk
Tenkasi District
- 4.The Superintending Engineer (H)
Construction & Maintenance Wing
Highways Department
No.149, A.R.Lane Road
Tirunelveli-627 002



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5.The Divisional Engineer
Construction & Maintenance Wing
Highways Department
Tenkasi

6.The Assistant Divisional Engineer
Construction & Maintenance Wing
Highways Department
Sivagiri

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to survey the road situated in Survey No.709, situated in Vasudevanallur Village, Sivagiri Taluk, Tenkasi District and thereafter proceed with the extension of the said road after removing the encroachments made by the private persons in Vasudevanallur to Poolangulam road by considering the petitioner's representations dated 16.07.2021 and 30.07.2021.

For Petitioner : Mr.K.Prabhu

For Respondents : Mr.P.Thilakkumar
Government Pleader



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ORDER

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

The prayer in this writ petition is for issuance of a writ of mandamus directing the respondents to survey the road in Survey No.709 of Vasudevanallur Village, Sivagiri Taluk, Tenkasi District, remove the encroachments therein made by the private persons and thereafter proceed with the road extension work, by considering the petitioner's representations dated 16.07.2021 and 30.07.2021.

2. The learned Government Pleader appearing for the respondents, on instructions, submitted that based on the petitioner's representations dated 16.07.2021 and 30.07.2021, the authority concerned had conducted a survey of the road in question and identified the extent of encroachments therein. He further submitted that steps are being taken to remove those encroachments by due process of law within eight weeks and only then, the road extension work will be proceeded with.

3. Recording the above submission of the learned Government Pleader, the authority concerned is directed to remove the encroachments



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made in the subject road, after giving due notice and sufficient opportunity to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order and thereafter to proceed with the road extension work.

4. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

27.10.2022

Index : Yes / No
Internet : Yes / No

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To:

- 1.The District Collector,
Tenkasi District, Tenkasi.
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- 3.The Tahsildar,
Sivagiri Taluk, Tenkasi District.
- 4.The Superintending Engineer (H),
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