



W.P.(MD) No.27338 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.27338 of 2022

T.Pattu

... Petitioner

-Vs-

- 1.The District Collector,
O/o. District Collectorate,
Thoothukudi District.
- 2.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.
- 3.The Divisional Engineer,
Highways Department,
Construction and Maintenance,
Thoothukudi.
- 4.Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance,
Thoothukudi.

Page 1 of 6



W.P.(MD) No.27338 of 2022

WEB COPY

5. Assistant Engineer,
Highways, Construction and Maintenance,
Thoothukudi.

6.S.Ganesan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the illegal encroachments made by the 6th respondent by way of put up temporary shed and running the hotel in the name and style of “Jothi Mess” which shop situated in National Highways land located in front of the petitioner's plot No.77 in S.No. 17/1 at Ettayapuram Road, Ettayapuram Taluk, Thoothukudi District within the time frame stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For R1 to R5 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

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

This Writ Petition is filed for issuance of Writ of Mandamus, directing the respondents 1 to 5 to remove the illegal encroachments made by the 6th respondent by way of putting up a temporary shed and running a hotel in the name and style of “Jothi Mess”, which is situated in National Highways land

Page 2 of 6



W.P.(MD) No.27338 of 2022

located in front of the petitioner's plot No.77 in S.No.17/1 at Ettayapuram Road, Ettayapuram Taluk, Thoothukudi District, within a time frame.

2.Mr.G.V.Vairam Santhosh, learned Additional Government Pleader takes notice for the respondents 1 to 5. Considering the nature of order proposed to be passed in this Writ Petition, notice to the 6th respondent is dispensed with.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4.Today, when the matter was taken up for admission, the learned Additional Government Pleader for the respondents 1 to 5 has produced the communication of the 4th respondent, dated 01.12.2022 in Na.Ka.No.Court Case 1/2022/A1 addressed to him and submitted that in order to remove the encroachment in the place in question, the 4th respondent has addressed a letter dated 26.11.2022 to the 2nd respondent to survey the place and mark the boundaries of the Highways' lands and after conducting the said survey, if there



W.P.(MD) No.27338 of 2022

WEB COPY

is any encroachment in the place in question, the same will be removed by the authorities concerned, by following due process of law, within a time frame.

5.In view of the above, without going into the merits of the case, this Court directs the 2nd respondent to conduct the aforesaid survey in the presence of the petitioner as well as any of the parties concerned, after serving them notice in advance. If the survey reveals any encroachment in the place in question as alleged by the petitioner, appropriate action shall be taken for removal of the same, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs.

[R.M.D., J.] & [J.S.N.P., J.]
02.12.2022

Index : Yes / No

Internet : Yes / No

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Page 4 of 6



W.P.(MD) No.27338 of 2022

WEB COPY

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WEB COPY



W.P.(MD) No.27338 of 2022

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Myr

W.P.(MD)No.27338 of 2022

02.12.2022

Page 6 of 6