



WEB COPY



W.P.No.11271 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

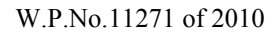
W.P.No.11271 of 2010
and M.P.Nos.2 of 2010 & 1 of 2012

- 1.K.Jeyapaul
- 2.N.Sathasivam
- 3.M.Dhamodaran
- 4.R.Ponnammal
- 5.J.Janaki
- 6.K.Ramasamy
- 7.P.Pappathi
- 8.A.Marimuthu
- 9.K.Devaraj
- 10.M.Mani
- 11.N.Meiyappan
- 12.V.Mani
- 13.R.Vadivelu

...Petitioners

-Vs-

- 1.The District Collector,
Erode District.
- 2.The District Revenue Officer,
Erode District.
- 3.The Tahsildar,
Erode Taluk,
Erode District.



6.The Executive Officer,
Vengampure Town Panchayat,
Vengampure,
Kodumudi (via), Erode District.

...Respondents

For Petitioners	:	Mr.S.Senthil Kumar
For R1 to R5	:	Mr.C.Jayaprakash Government Advocate
For R6	:	Mr.R.Murali

The learned Government Advocate raised a preliminary objection on the ground that the Writ Petition was filed in the year 2010, seeking a



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direction to direct the fourth respondent to grant No Objection Certificate to the third respondent for grant of patta to the petitioners, as per the communication of the Tahsildar, dated 16.04.2010.

2. The Writ Petition was dismissed for non-prosecution on 03.01.2019. Thereafter, the petitioners filed a miscellaneous petition to restore the Writ Petition, which was allowed on 11.11.2022.

3. The petitioners are in occupation of the highways land, which is meant for expansion of road projects. Admittedly, the petitioners are encroachers seeking patta in respect of the highways land on the ground that they are in occupation for several years.

4. The learned Government Advocate appearing for the respondents 1 to 5 states that on account of encroachment, the authorities are not in a position to implement the road expansion project, which is causing prejudice to the public interest.



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5. The learned counsel for the petitioners states that the petitioners are residing for long years and the Tahsildar, Erode has sent a communication to the District Collector in April, 2010, stating that the No Objection Certificate is to be obtained from the Highways Department and the case of the petitioners will be considered for grant of patta.

6. The Highways Department has not issued any such No Objection Certificate. More so, the encroached lands are required for the purpose of road expansion project, which is stalled on account of the interim order of status quo granted in the present Writ Petition. If at all the petitioners are homeless poor people, they are at liberty to submit an application to the competent authority for allotment of any land under any Government welfare scheme which is in force. Even in such circumstances, the eligibility of the persons are to be considered with reference to the terms and conditions of such welfare scheme. There cannot be any discrimination while considering the cases of the persons seeking allotment of lands at free of cost. However, the petitioners cannot encroach upon the highways land and claim patta, merely on the ground that they are in occupation for long



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years. On account of such encroachment, the road widening projects are stalled and therefore, the respondents are bound to evict the encroachers and continue the project in the interest of public.

7. Public interest overweigh private interest at all circumstances and in the present case, it is a highways land which is meant for road projects and therefore, the petitioners are not entitled for the relief as sought for in the present Writ Petition. Accordingly, the respondents are directed to evict the petitioners by following the procedures as contemplated under the Tamil Nadu Land Encroachment Act, 1905, and implement the road expansion project for the benefit of the public at large.

8. With these observations, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

02.08.2023

Index:Yes
Neutral Citation:Yes
Speaking order
hvk



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Erode District.
- 2.The District Revenue Officer,
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- 3.The Tahsildar,
Erode Taluk,
Erode District.
- 4.The Divisional Engineer,
Highways Department,
Erode District.
- 5.The Assistant Engineer,
Highways Department,
Kodumudi, Erode District.
- 6.The Executive Officer,
Vengampure Town Panchayat,
Vengampure,
Kodumudi (via), Erode District.



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S.M.SUBRAMANIAM, J.

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