



WEB COPY



W.P.No. _____

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.2610 of 2023

Kamaraj

.. Petitioner

-VS-

1. The District Collector,
District Collector Office,
Erode.

2. The Tahsildar,
Anthiyur, Erode District.

3. The Assistant Engineer,
Highways Department,
Anthiyur,
Erode District.

4. R.Chinnusamy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the 3rd respondent dated 13.1.2023 issued under Sec.28(2)(ii) of the Tamil Nadu Highways Act, 2001 and quash the same as illegal, arbitrary, unsustainable in law and forbear the



W.P.No. _____

respondents from disturbing the petitioners peaceful possession over the lands in

Re.Survey No.418/1 situated at No.28, Ammapettai B Village, Anthiyur Taluk.

WEB COPY

For Petitioner : Mr.AR.M.Arunachalam

For Respondents :Mr.P.Muthukumar,
1 to 3 State Government Pleader

ORDER

Challenging the show cause notice dated 13.01.2023 issued by the 3rd respondent, namely, the Assistant Engineer, Highways Department, Anthiyur, Erode District, and for quashing of the same, the present Writ Petition came to be filed.

2. The brief facts of the case are as follows:

One R.Chinnusamy, the 4th respondent herein, in an earlier occasion, has approached this Court by filing W.P.No.33990/2022 seeking to remove the encroachments caused over the public road existing in R.S.No.418/1 at 28 Ammapettai B Village, Anthiyur Taluk, Erode District, making the present Writ Petitioner as one of the encroachers and the same was disposed of by an order dated 20.12.2022 thereby directing the respondent authorities to cause an inspection of the road-in-question and to remove the encroachments, if any found, within a period of four weeks from the date of receipt of a copy of that order. Pursuant to the orders of this Court, the respondent authorities have conducted an inspection and found that there is an encroachment in the



W.P.No. _____

aforesaid survey number. Thereafter, notice dated 13.1.2023 was issued asking the encroachers including the writ petitioner herein to remove the encroachments on their own failing which the authorities will take steps to remove the same. The petitioner has sent a reply letter dated 20.01.2023 to the respondents through registered post. Since there was response for the same, the petitioner has come before this Court challenging the correctness of the notice dated 13.01.2023 issued by the 3rd respondent.

3. Heard Mr.AR.M. Arunachalam, learned Counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader who takes notice for the respondents 1 to 3.

4. A perusal of the documents filed along with the typed set of papers by the petitioner would go to show that on 12.01.2022, a representation has been given by the petitioner and others seeking for patta to the land-in-question. Therefore, it is obvious that the land-in-question does not belong to the petitioner. Since the respondent authorities have taken action to remove the encroachments by issuing the impugned show cause notice dated 13.1.2023 by the 3rd respondent herein, pursuant to the orders of this Court dated 20.12.2022 passed in W.P.No.33990/2022, we are of the view that the same shall be removed by the encroachers including the petitioner herein on their



W.P.No. _____

own within a period of one month from the date of receipt of a copy of this Order, failing which, the concerned police is expected to give protection to the authorities to demolish the buildings in the encroached land.

5. With the above observation and direction, the Writ Petition is disposed of.

No costs. Consequently, connected Miscellaneous Petition is also closed.

[S.V.N., J.] [J.S.N.P., J.]
02.02.2023

Index: Yes / No
Internet: Yes / No
tsi

To

1. The District Collector,
District Collector Office,
Erode.
2. The Tahsildar,
Anthiyur, Erode District.
3. The Assistant Engineer,
Highways Department,
Anthiyur, Erode District.



WEB COPY



W.P.No._____

S. VAIDYANATHAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

tsi

W.P.No.2610 of 2023

02.02.2023