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W.P.Nos.22460 & 22956 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

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THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.Nos.22460 & 22956 of 2016
and W.M.P.Nos.19170 & 19672 of 2016

Kader Mohideen

.. Petitioner in both petitions

Versus

- 1.The District Collector,
Tirupur District.
- 2.The Commissioner,
Udumalpet Municipality,
Udumalpet.
- 3.The National Highways Authority of India,
Rep. by its Project Director,
Butt Road, Saint Thomas Mount,
Chennai.
- 4.The Assistant Divisional Engineer,
National Highways,
Avinashi Road, Coimbatore.
- 5.The Revenue Divisional Officer,
Udumalpet, Tiruppur District.

.. Respondents in
W.P.No.22460 of 2016

[R3 to R5 are suo motu impleaded
as per order dated 28.06.2016 in
W.M.P.No.19172 of 2016 in



W.P.Nos.22460 & 22956 of 2016

W.P.No.22460 of 2016]

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- 1.The Commissioner,
Udumalpet Municipality,
Udumalpet.
- 2.The Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu,
Fort St.George, Chennai – 9.
- 3.The Secretary to Government,
Highways Department,
Govt. of Tamil Nadu,
Fort St.George, Chennai – 9.
- 4.The National Highways Authority of India,
Rep. by its Chairman,
No.1/54-28, Butt Road,
St. Thomas Mount, Near Kathipara Junction,
Chennai – 16.
- 5.The Assistant Divisional Engineer,
National Highways,
Avinashi Road, Coimbatore.
- 6.The District Collector,
Tiruppur District,
- 7.The Tahsildar,
Udumalpet.

.. Respondents in
W.P.No.22956 of 2016

Prayer in W.P.No.22460 of 2016: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from interfering with the peaceful possession of the petitioner's



W.P.Nos.22460 & 22956 of 2016

properties situate in T.S.No.128/1 measuring about 2697 sq.ft in Udumalpet Taluk, Udumalpet Sub-Registration District, Tiruppur Registration District without following the due process of law.

Prayer in W.P.No.22956 of 2016: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents, their men, agents, servants from interfering with the petitioner's peaceful possession of the house property bearing Door Nos.96, 97 and 97A, Palani Road and No.82, V.O.C Street, in T.S.Nos.134, 140, 141 and 142, Ward 'D', Block-3, Udumalpet Town.

(In W.P.No.22460 of 2016)

For Petitioner : Mr. I.Abrar Mohamed Abdullah

For Respondents

For R1 & 5 : Mrs.S.Anitha
Special Government Pleader

For R2 : Mr.B.Anand

For R3 & 4 : Mr.S.V.Srinivasan

(In W.P.No.22460 of 2016)

For Petitioner : Mr. I.Abrar Mohamed Abdullah

For Respondents

For R1 : Mr.B.Anand

For R2 to 7 : Mrs.R.Anitha
Special Government Pleader

For R3 & 4 : Mr.S.V.Srinivasan



W.P.Nos.22460 & 22956 of 2016

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COMMON ORDER

The W.P.No.22460 of 2016 has been filed to forbear the respondents from interfering with the peaceful possession of the petitioner's properties situate in T.S.No.128/1 measuring about 2697 sq.ft in Udumalpet Taluk, Udumalpet Sub-Registration District, Tiruppur Registration District without following the due process of law.

2. The W.P.No.22956 of 2016 has been filed to forbear the respondents, their men, agents, servants from interfering with the petitioner's peaceful possession of the house property bearing Door Nos.96, 97 and 97A, Palani Road and No.82, V.O.C Street, in T.S.Nos.134, 140, 141 and 142, Ward 'D', Block-3, Udumalpet Town.

3. The grievance of the petitioner is that the petitioner is the owner of the property and he is in possession of the property. The first respondent attempted to interfere with the property claiming that the said properties have been shown as a road in the layout plan. Challenging the same, the first respondent namely the Commissioner, Udumalpet Municipality, Udumalpet,



W.P.Nos.22460 & 22956 of 2016

had filed a writ petition in W.P.No.7220 of 2015, forbearing the respondents from interfering in the peaceful possession of the property and the same is pending. However, the respondents 4 and 5 were attempting to widening the road. Hence the writ petition.

4. A perusal of counter affidavit filed by the fifth respondent revealed that according to him, originally the road is vested with the State Highways and now it is vested with the National Highways. They have already issued notice for removing the encroachments on the National Highways.

5. The learned counsel appearing for the petitioner submitted that no such copy of the said notice has been produced. The only dispute is with regard to widening of road by the fourth respondent. The road is vested with National Highways, hence, the National Highways Authority of India, Chennai, may issue a fresh notice to the petitioner and take action as per law for widening the road.

6. The learned counsel for the first respondent submitted that he filed a letter indicating that they themselves removed the encroachments as



W.P.Nos.22460 & 22956 of 2016

sought by the Highways. At any event, it is for the National Highways to take a call on this and find out whether all the encroachments are removed or not.

7. With the above direction, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

30.01.2023
(1/2)

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Index : Yes / No

Speaking Order : Yes / No

To

1.The District Collector,
Tirupur District.

2.The Commissioner,
Udumalpet Municipality,
Udumalpet.

3.The Project Director,
The National Highways Authority of India,
Butt Road, Saint Thomas Mount,
Chennai.

4.The Assistant Divisional Engineer,
National Highways,
Avinashi Road, Coimbatore.

6/8



W.P.Nos.22460 & 22956 of 2016

5.The Revenue Divisional Officer,
Udumalpet, Tiruppur District.

6.The Secretary,
Housing and Urban Development Department,
Government of Tamil Nadu,
Fort St.George, Chennai – 9.

7.The Secretary,
Highways Department,
Govt. of Tamil Nadu,
Fort St.George, Chennai – 9.

8.The Chairman,
The National Highways Authority of India,
No.1/54-28, Butt Road,
St. Thomas Mount, Near Kathipara Junction,
Chennai – 16.



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W.P.Nos.22460 & 22956 of 2016

N.SATHISH KUMAR, J.
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W.P.Nos.22460 & 22956 of 2016

30.01.2023
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