



W.P.No.13819 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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S.M.Govindasamy

Versus

.. Petitioner

1. The Projector Director
Tamil Nadu Road Sector Project-II,
Tamil Nadu Maritime Board Campus,
No.71, South Kesavaperumalpuram,
Greenways Road, Raja Annamalaipuram,
Chennai – 600 028.
2. The Divisional Engineer (Highways)
Tamil Nadu Road Sector Project-II,
Room No.416-418, Integrated Collectorate Building,
Tiruppur - 641 604.
3. The Commissioner
Erode City Municipal Corporation,
Erode - 638 001.

4. K.Sri Aathi Sridhar

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 2nd respondent to remove the encroachment on the Erode to Chithode State Highways No. 15 at Survey No.98-1B, Kumilamparappu Village, Erode Taluk, Erode



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District by the 4th respondent, with a consequential direction to the 3rd respondent to remove the illegal and unauthorized constructions put by the 4th Respondent at Survey No.98, Kumilamparappu Village, Ward No.1, Erode City Municipal Corporation within a stipulated time.

For the Petitioner : Mr.T.Mohan, Senior Counsel
for Mr.A.Suresh Sakthi Murugan

For the Respondents : Mrs.R.Anitha
Special Government Pleader
for respondents 1 and 2

: Mr.M.Rajamathivanan
for 3rd respondent

: Mr.N.Manokaran
for 4th respondent

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

Heard Mr.T.Mohan, learned Senior Counsel appearing on behalf of Mr.A.Suresh Sakthi Murugan, learned counsel for the petitioner; Mrs.R.Anitha, learned Special Government Pleader for respondents 1 and 2; Mr.M.Rajamathivanan, learned counsel for the third respondent; and Mr.N.Manokaran, learned counsel for the fourth respondent.



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2. Learned counsel for the third respondent/Corporation submitted that the encroachment made on the highway by the fourth respondent has been removed.

3. Learned Senior Counsel for the petitioner submits that the entire construction of the marriage hall and the structure is unauthorized.

4. Learned counsel for the third respondent/Corporation submits that notice for lock and seal has been issued on 20.7.2022, as the construction is without permission.

5. Learned counsel for the fourth respondent disputes about the issuance of any such notice by the Corporation.

6. Be that as it may, the Corporation has proceeded further to take action on the ground that the construction is unauthorized. The Corporation certainly has to take effective steps in accordance with law to implement the notice issued.



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7. If the fourth respondent has applied for construction permission and/or obtained construction permission, it is for the fourth respondent to demonstrate the same before the third respondent.

8. We hope and trust that the third respondent would proceed further in accordance with law with regard to the unauthorized construction of the fourth respondent, if any, expeditiously and take necessary steps within six months.

The writ petition is disposed of accordingly. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

02.11.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi



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D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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