



WP No.13166 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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V.S.Mahadevan

... Petitioner

versus

- 1.The District Collector,
Erode District, Erode-11
- 2.The Divisional Engineer,
Highways Department,
Erode Division, Erode.
- 3.The Revenue Divisional Officer,
Erode Division, Erode-2.
- 4.The Tahsildar
Kodumudi Taluk,
Erode District-638 151.
- 5.The Assistant Divisional Engineer,
Highways Department,
Kodumudi Assistant Division Office,
Kodumudi-638 151.
- 6.The Assistant Engineer,
Highways Department,



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Kodumudi Assistant Division Office,
Kodumudi-638 151.

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records on the file of the 5th respondent impugned notice dated 20.04.2023 and quash the same and consequently direct the respondents to conduct the survey and fix the boundaries for demarcation of the land.

Appearance:

Mr.K.Karthikeyan, for the petitioner

Mr.P.Muthukumar, State Government Pleader, for the respondents

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner has filed this writ petition challenging the impugned notice dated 20.04.2023, issued by the Assistant Divisional Engineer, Highways Department, Kodumudi Assistant Division Office, the fifth respondent herein and for a consequential direction to the respondents to conduct a survey and fix boundaries for the demarcation of the land, on the ground that the impugned notice does not mention the correct survey number where they are proceeding to remove the encroachment.

2. Learned counsel for the petitioner submitted that the petitioner is in possession of R.S.No.87/17, Pasur Village, Erode



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District. Under the guise of removal of encroachment, the respondents are taking steps to interfere with the peaceful possession and enjoyment of the petitioner's property. Therefore, the present writ petition has been filed, seeking the above prayer.

3. Learned counsel for the petitioner further submitted that a proper survey may be undertaken on the basis of revenue records to identify encroachments; and such action would not prejudice the petitioner and the respondents as well.

4. Mr.P.Muthukumar, learned State Government Pleader, based on written instructions sent by the Tahsildar, dated 27.04.2023, submitted that the removal of encroachment has been initiated only in R.S.No.86/3 having an extent of 0.09.5 Hectare, which has been classified as 'salai'. When encroachments are coming up on the road sides indiscriminately, vehicular traffic gets seriously affected. Therefore, it is the bounden duty of the Government to remove the encroachments. At present, an initiation has been made to clear the roads and also encroachments.



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5. We find merits in the submissions made by learned State Government Pleader. Since steps are being taken to remove the encroachments found only in R.S.No.86/3, which is classified as 'salai', we do not find any merit in the writ petition. The writ petition fails and the same is dismissed. There will be no order as to costs. Consequently, WMP No.12912 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
27.04.2023

Index : Yes/No
Neutral Citation : Yes/No
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