



WEB COPY

WP No.18752 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.18752 of 2023

And

WMP No.18001 of 2023

J.Hari Krishnan

... Petitioner

Vs.

- 1.The Revenue Divisional Officer,
State Highways Department,
Construction and Maintenance,
Thiruvallur.
- 2.The Assistant Divisional Engineer,
State Highways Department,
Construction and Maintenance,
Thiruvallur.
- 3.The Assistant Engineer,
State Highways Department,
Construction and Maintenance,
Thiruvallur, East Division,
Thiruvallur.
- 4.Tahsildar,
The Office of Tahsildar,



Thiruvallur Taluk.

5.The Taluk Surveyor,
Thiruvallur Taluk.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 4 and 5 to consider and dispose of petitioner's representation dated 01.06.2023 by measuring the writ schedule property based on the survey stones.

For Petitioner : Mr.P.Satheesh Kumar

For Respondents : Mr.D.Ravichander,
Special Government Pleader.

ORDER

The relief sought for in the present writ petition is to direct the respondents 4 and 5 to consider and dispose of the representation submitted by the petitioner on 01.06.2023.

2. The petitioner states that he is the absolute owner of the property more fully described in the present writ petition.



3. The State Highway Authorities have erroneously measured the patta lands belonging to the petitioner and marked the portion of the property for the purpose of demolishing the construction already put up by the petitioner.

4. The learned counsel for the petitioner states that there is an error occurred in the measurement taken by the Authorities and pointing out the errors, the petitioner has submitted the representation, which is yet to be considered.

5. The learned Special Government Pleader, appearing on behalf of the respondents, relied on the notice issued by the respondents under Section 28(2) of the Tamil Nadu Highways Act, 2001 and contended that the Authorities Competent are empowered to fix boundaries under Section 8 of the Tamil Nadu Highways Act, 2001 and thereafter, if they find any encroachments or otherwise, they are empowered to evict the encroachers from the Highways property.

6. The notice issued to the writ petitioner was not responded



properly. The learned counsel for the petitioner states that the notice has not been addressed to him and it is blanketly stated that the notice was communicated to the encroacher. However, the petitioner is now aware of the fact that there is a notice, which is to be issued to the encroacher.

7. Since the petitioner is raising a doubt, the respondents shall once again measure the land with reference to the boundaries already fixed under Section 8 of the Tamil Nadu Highways Act, 2001 and accordingly take decision and by proceed under the provisions of the Tamil Nadu Highways Act, 2001. If there are encroachers, then the Authorities are at liberty to evict them by following the due process of law.

8. With the above observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

22-06-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

WEB COPY

1. The Revenue Divisional Officer,
State Highways Department,
Construction and Maintenance,
Thiruvallur.
2. The Assistant Divisional Engineer,
State Highways Department,
Construction and Maintenance,
Thiruvallur.
3. The Assistant Engineer,
State Highways Department,
Construction and Maintenance,
Thiruvallur, East Division,
Thiruvallur.
4. Tahsildar,
The Office of Tahsildar,
Thiruvallur Taluk.
5. The Taluk Surveyor,
Thiruvallur Taluk.



WEB COPY

WP No.18752 of 2



S.M.SUBRAMANIAM, J.

Svn

WP 18752 of 2023

22-06-2023