



WP No.23201 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.23201 of 2023
and WMP Nos.22735 and 22736 of 2023

S.Vetrichelvan

.. Petitioner

-VS-

1. The District Collector,
Ariyalur District, Ariyalur.
2. The Revenue Divisional Officer,
Udayarpalayam, Ariyalur District.
3. The Divisional Engineer,
Highways Department, Construction
and Maintenance Wing, Ariyalur.
4. The Assistant Engineer,
Highways Department,
Sendurai Taluk, Ariyalur District.
5. The Tahsildar,
Sendurai Taluk Office,
Ariyalur District.
6. The Village Administrative Officer,
Irumbulikulurichi, Ariyalur District.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records in connection with the notice No.Ka.No.26/2023/UPo dated 01.06.2023 issued by the 4th respondent and quash the same and consequently direct the 3rd and 4th respondents herein to install the underground drainage work and road widening work as per their own FMB sketch not followed by our FMB sketch issued by the revenue authorities.

For the Petitioner : Dr.R.Sampathkumar
For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha,
Special Government Pleader.

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Dr.R.Sampathkumar, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader, for the respondents.



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2. The learned counsel for the petitioner submits that notice has been issued under the Highways Act. The petitioner is residing at the property in question for more than 80 years. Opposite to his house, there are other spaces available for the Highway authority to expand. The respondents are constructing a drainage. If they construct three feet away, then the petitioner's property would be protected.

3. There is nothing on record to show that the petitioner is the owner of the property. Moreover, in case of Highways, if at all there is an encroachment, the same cannot be protected. The learned counsel submits that the Collector has already forwarded the representation of the petitioner to the Highway authority. The learned counsel further submits that patta is also issued in favour of the petitioner.

4. Naturally, the State authorities would not take possession of the property for which the patta is issued to the petitioner. However, if the petitioner is in possession of an area more than the patta land, then the respondents are entitled to proceed further.



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With this observation, the writ petition is disposed of. There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(D.B.C., J.)

17.10.2023

Index : Yes/No
Neutral Citation : Yes/No
sra

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AND
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(sra)

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