



WEB COPY

W.P.No.24035 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24035 of 2023
and
W.M.P.No.23528 of 2023

1. Settu
2. Tmt.Anandai
3. Tmt.Rajakumari
4. R.Murugan

... Petitioners

Vs.

1. The Divisional Engineer,
National Highways,
Villupuram District.
2. The Tahsildar,
Kandachipuram,
Villupuram District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioners representation dated 31.07.2023 and thereby directing the respondents not to evict the petitioners from Thiruvannamalai Main Road, Othiyathur Village, Kandachipuram Road, Villupuram District till providing of alternate house site to the petitioners.



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For Petitioners : Mr.B.Sundarapandiyan
For Respondents : Mr.D.Ravichander,
Special Government Pleader

ORDER

The relief sought for in the present Writ Petition is to direct the respondents to consider the representation dated 31.07.2023 made by the petitioners and not to evict them from Thiruvannamalai Main Road, Othiyathur Village, Kandachipuram Road, Villupuram District.

2. The petitioners admittedly are encroachers, who had encroached portion of the National Highways. The authorities have taken steps to evict the encroachers for the purpose of road expansion projects. The petitioners state that they have put up superstructures and residing in the subject place and paying the property tax. However the facts remains that the petitioners are encroachers of the National Highways property and the authorities are now evicting the encroaches for the purpose of road widening projects.



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3. If at all the petitioners are landless poor persons, they have to submit an application to the Government for the purpose of availing the benefit of welfare schemes, in accordance with the conditions imposed by the Government. However, the petitioners cannot encroach upon the National Highways property and seek an order from this court for not evicting them from the National Highways property.

4. Under Section 26(3) of the National Highways Act, summary evictions are permissible and therefore the petitioners, being encroachers, are not entitled for relief and the authorities are empowered to evict the petitioners summarily for the purpose of road widening projects or otherwise.

5. Thus, the respondents are directed to evict all the encroachers for the purpose of implementing the public projects, without causing any delay. As far as the petitioners are concerned, they are at liberty to submit appropriate application before the competent authority to avail the benefits of the Government welfare schemes, if any, in force.



6. With these observations, the writ petition stand dismissed.

Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes

Speaking order

Neutral Citation : Yes

To

1. The Divisional Engineer,
National Highways,
Villupuram District.

2. The Tahsildar,
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Villupuram District.



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S.M.SUBRAMANIAM, J.

nsi/skr

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