



W.P.No.24723 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.24723 of 2023
and
W.M.P.No.24160 of 2023

S.B.Sundaresan
S/o S.G.Boopathy

.... Petitioner

vs

1. The Superintending Engineer,
Tamil Nadu Road Infrastructure and Development Corporation,
LLA Building, Fourth Floor,
No.735, Anna Salai,
Chennai - 600 002.
2. The Assistant Divisional Engineer,
Tamil Nadu Road Infrastructure and Development Corporation,
LLA Building, Fourth Floor,
No.735, Anna Salai,
Chennai - 600 002.
3. The Divisional Engineer (Highways),
Construction and Maintenance,
Kancheepuram - 631 502,
Kancheepuram District.
4. The District Collector,
Kancheepuram District,



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Kancheepuram.

5. The Inspector of Police,
Walajabad Police Station,
Walajabad,
Kancheepuram District.

6. Kalaimathi,
Wife of Marisamy

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 5 to take appropriate action as are necessary to remove the unauthorized construction made by the sixth respondent in the land belonged to Highways Department in Survey No.11/5, (State Highways 48) (Marmalong Bridge) in Irumbilyur-Vandalur-Mudichur-Oragadam-Walajabad Road, in Thiyagi Chinnasamy Nagar, Walajabad, Walajabad Taluk, Kancheepuram District and to restore the said land to its original position within a time limit that may be specified by this Hon'ble Court.

For Petitioner : Mr.M.Elumalai

For Respondents : Mr.E.Vijayanand,
Additional Government Pleader
for R1 to R4
Mr.R.Muniyapparaj,
Addl.P.P. assisted by M.Sylvestes John
Mr.S.Silambarasan for R6



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ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

This writ petition has been filed to issue a Writ of Mandamus to direct the respondents 1 to 5 to take appropriate action as are necessary to remove the unauthorised construction made by the sixth respondent in the land belonged to Highways Department in Survey No.11/5, (State Highways 48) (Marmalong Bridge) in Irumbilyur-Vandalur-Mudichur-Oragadam-Walajabad Road, in Thiyagi Chinnasamy Nagar, Walajabad, Walajabad Taluk, Kancheepuram District and to restore the said land to its original position within a time limit that may be specified by this Court.

2. It is brought to the notice of this Court by the learned Additional Government Pleader that the land of the sixth respondent was acquired for expansion of Highways and compensation was also received by her. Now, she has encroached the portion of the acquired land which was earmarked for future expansion where she is putting up construction after receiving a sum of Rs.12,98,379/- on 11.06.2013. Hence, notice was given to her to remove the unauthorised construction but she has not removed it so far. It is also brought to the notice of this Court that a reply dated 05.08.2023 was given by the 6th respondent to the notice dated 28.07.2023 sent by the 2nd respondent wherein the 6th respondent had stated that she had not made encroachments and she



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had put up construction only in the remaining land acquired by the authorities and if the authorities require her land for expansion of the road, she is willing to vacate the same.

3. Admittedly, construction was put up by the sixth respondent in the portion of the land which was earmarked for expansion of highways. Therefore, if the 6th respondent does not remove the encroachment, the respondents 1 to 3 are directed to remove the same. The said exercise shall be done by the respondents 1 to 3 within a period twelve weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B., J.) (N.M., J.)
22.09.2023

vsi

Index : Yes / No

Internet : Yes / No

Neutral citation : Yes / No

To

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