



WEB COPY



W.P.No.25719 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.08.2023

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

W.P.No.25719 of 2023
and W.M.P.No.25151 of 2023

R.MANOCHARAN
S/O.RAMASAMY,
PERAYAMPATTU VILLAGE,
POONDY POST, KALASAPAKKAM TALUK,
TIRUVANNAMALAI DISTRICT.

.. Petitioner

Vs.

1.THE SECRETARY
HIGHWAYS AND MINOR
PORTS DEPARTMENT,
FORT ST. GEORGE, CHENNAI.

2.THE DISTRICT COLLECTOR
TIRUVANNAMALAI,
TIRUVANNAMALAI DISTRICT.

3.THE DISTRICT REGISTRAR OFFICE,
TIRUVANNAMALAI,
TIRUVANNAMALAI DISTRICT.

4.THE REVENUE DISTRICT OFFICER,
KALASAPAKKAM,
TIRUVANNAMALAI DISTRICT.



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5.THE TAHSILDAR
KALASAPAKKAM,
TIRUVANNAMALAI DISTRICT.

6.THE DIVISIONAL ENGINEER
STATE HIGHWAYS,
OPERATION AND MAINTENANCE,
TIRUVANNAMALAI.

7.THE ASSISTANT DIVISIONAL ENGINEER
STATE HIGHWAYS,
OPERATION AND MAINTENANCE,
POLUR,TIRUVANNAMALAI.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF MANDAMUS directing first respondent to dispose of the Revision Petition dated 25.06.2023 under Section 55 of the Tamil Nadu State Highways Act, 2002, filed by the petitioner and forbear the respondents from evicting the petitioner from the property admeasuring 7 ares comprised in S.No.92, at Perayampattu Village, Kalasapakkam Taluk, Tiruvannamalai District.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.P.Muthukumar
State Government Pleader



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ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

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This writ petition has been filed by the petitioner seeking a direction to the first respondent to dispose of the Revision Petition dated 25.06.2023 filed under Section 55 of the Tamil Nadu State Highways Act, 2002, by the petitioner and forbear the respondents from evicting him of his property admeasuring 7 ares comprised in S.No.92, at Perayampattu Village, Kalasapakkam Taluk, Tiruvannamalai District.

2. The learned counsel for the petitioner submitted that the property measuring 1.07 ares in S.No.92 in Perayampattu Village, Kalasapakkam Taluk, Tiruvannamalai District, is the Government poramboke land and is situated on the eastern side of the petitioner's private property in S.No.82A/4. After obtaining permission from the competent authorities, the petitioner had constructed a marriage hall in the property in S.No.82/4 including 7 ares comprised in S.No.92 and he continued in possession and enjoyment of the same for more than 3 decades. In the year



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2017, he had converted the marriage hall into a residential building. While so, some of the private persons gave a complaint to the respondent authorities and attempted to demolish the building situated in S.No.92 of Perayampattu Village, illegally. In this connection, civil suit in O.S.No.3 of 2022 is pending before the District Munsif Court, Polur. When the matter stood thus, the petitioner made a representation dated 27.02.2023 to the respondent authorities and requested to assign the said land, after receiving the market value of the same, and to issue patta in his favour, but the said representation was rejected by the District Collector, stating that the land in S.No.92 belongs to the Highways Department and therefore, the encroachment is objectionable in nature. According to the learned counsel, the land in S.No.92 is classified only as Government poramboke land in the revenue records, and is vested with the Panchayat and the same is not declared as Highways land. However, the Highways authorities without any justification, issued notice for removal of encroachment, which was challenged by the petitioner by filing WP.No.11336 of 2023 and the same is pending.



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3. It is also submitted by the learned counsel for the petitioner that the Highways Department sent another notice dated 21.06.2023 for removal of encroachment, against which, the petitioner preferred statutory revision on 25.06.2023 under section 55 of the Tamil Nadu State Highways Act, 2002 before the first respondent. Therefore, it would suffice, if a direction is given to the first respondent to dispose of the said revision petition, within a time frame to be stipulated by this Court.

4. The learned State Government Pleader taking notice for the respondents, has no serious objection for granting such relief to the petitioner.

5. In view of the limited relief now sought by the learned counsel for the petitioner, which has not been opposed on the side of the respondent authorities, this court, without going into the merits of the case, directs the respondent authorities, more particularly, the first respondent, to consider the revision petition filed by the petitioner on 25.06.2023 and pass



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appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the necessary parties, as expeditiously as possible. While so, the respondent authorities shall first consider the application seeking injunction / stay, if any, and thereafter, decide the main revision petition.

6. With the aforesaid directions, this writ petition stands disposed of. No costs. Connected W.M.P. is closed.

[R.M.D., J.] [M.S.Q., J.]
31.08.2023

nsd
Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No

To

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