



WP No.28345 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.28345 of 2023
and WMP No.27883 of 2023

K.Indumathi

.. Petitioner

-VS-

1. The State of Tamil Nadu,
The Superintending Engineer,
Regd. Office at 4th Floor, MLA Building,
735, Annasalai, Chennai 600 002.
2. The Assistant Divisional Engineer,
Tamilnadu Road Infrastructure Development
Corporation Limited, Regd. Office, 4th Floor,
MLA Building, 735, Annasalai, Chennai 600 002.
3. The District Collector,
Kanchipuram District Collectorate,
Kanchipuram.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the second respondent pertaining to the impugned notice dated 24.08.2023 and consequently quash the same.



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For the Petitioner : Mr.V.Nithyanandam
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 Mr.V.Nithyanandam, 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.

2. It appears from the facts on record that the petitioner is an encroacher, though the petitioner may be a purchaser of the property. The property is purchased after the land was acquired by the respondents, as such the petitioner would not get any right, title or interest over the subject land.

3. The learned counsel for the petitioner submits that the petitioner be granted three months' time to vacate.



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4. The public work cannot be stalled for such a long time. The encroachment alleged is on the road. For the free flow of traffic, the encroachment will have to be removed.

5. We grant four weeks' time to the petitioner to vacate and remove the construction on her own.

6. In case the petitioner does not vacate on or before 01.11.2023, then the respondents will have every right to take steps for evicting the petitioner.

The writ petition is, accordingly, disposed of. There will be no order as to costs. Consequently, W.M.P.No.27883 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

04.10.2023

Index : Yes/No

Neutral Citation : Yes/No

sra



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sra)

To

1. The Superintending Engineer,
Regd. Office at 4th Floor, MLA Building,
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2. The Assistant Divisional Engineer,
Tamilnadu Road Infrastructure Development
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