



W.P.(MD) No.1138 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1138 of 2023

J.Samiudeen

... Petitioner

-Vs-

- 1.The Director General of Highways,
O/o. The National Highways Department,
76, Sardar Patel Road, Guindy, Chennai-25.
- 2.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 3.The Executive Engineer,
National Highways Department, Muthukulathur,
Ramanathapuram-SH-29,

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Thanjavur Kalayar Kovil,
Sayalkudi Road,
Ramanathapuram Taluk & District.

4.The Tahsildar,
O/o. The Keelakkarai Taluk Office,
Ramanathapuram District.

5.The Commissioner,
Keelakkarai Municipality,
Keelakkarai, Ramanathapuram District.

6.Sri Muthumariyammon Aalayam,
Rep. by its Administrator,
Karthikeyan,
Main Road, North Street,
Periyapattinam, Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 3 herein to remove the encroachments made by the 6th respondent herein on the Highway in S.No.229/1, Periyapattinam Village, Keelakkarai Taluk, Ramanathapuram District within the period that may be stipulated by this Court.

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For Petitioner : Mr.C.Venkatesh Kumar
For R1 to R4 : Mr.P.T.Thiraviyam,
Government Advocate
For R5 : Mr.A.Kannan, Standing Counsel

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition is filed seeking issuance of a Writ of Mandamus, directing the respondents 1 and 3 to remove the encroachments made by the 6th respondent on the Highway in S.No.229/1, Periyapattinam Village, Keelakkarai Taluk, Ramanathapuram District, within the period that may be stipulated by this Court.

2.Mr.P.T.Thiraviyam, learned Government Advocate takes notice for the respondents 1 to 4 and Mr.A.Kannan, learned Standing Counsel takes notice for the 5th respondent. Considering the nature of order proposed to be passed in this Writ Petition, notice to the 6th respondent is dispensed with.

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3.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4.The learned Government Advocate appearing for the respondents 1 to 4 submitted that the petitioner made a representation dated 28.11.2022, seeking removal of the aforesaid encroachment to the 1st respondent / National Highways Department. However, no representation has been made to the State Highways Department.

5.The learned Standing Counsel appearing for the 5th respondent submitted that the property in question does not come under the jurisdiction of the 5th respondent.

6.In the light of the aforesaid submission, we are of the view that the petitioner has neither impleaded the necessary party in this Writ Petition nor made any representation to the authority concerned for removal of the

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encroachment. Therefore, this Writ Petition stands dismissed with liberty to the petitioner to approach the competent authority for taking necessary action. No costs.

[D.K.K., J.] & [R.V., J.]
23.01.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

MYR

To

- 1.The Director General of Highways,
O/o. The National Highways Department,
76, Sardar Patel Road, Guindy, Chennai-25.
- 2.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 3.The Executive Engineer,
National Highways Department, Muthukulathur,
Ramanathapuram-SH-29,
Thanjavur Kalayar Kovil,
Sayalkudi Road,
Ramanathapuram Taluk & District.
- 4.The Tahsildar,
O/o. The Keelakkarai Taluk Office,
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