



WMP(MD) No.11714 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Nineteenth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR
and

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

WMP(MD) No.11714 of 2023
IN
WP(MD) No.8808 of 2020

A.M. SUNDARAVEL

... PETITIONER/PETITIONER

Vs

1 THE PRINCIPAL SECRETARY
HIGHWAYS DEPARTMENT, SECRETARIAT BUILDING ,
CHENNAI - 600009

2 THE CHIEF ENGINEER
HIGHWAYS DEPARTMENT ,
(CONSTRUCTING AND MAINTENANCE)
CHENNAI - 600025

3 THE SUPERINTENDENT ENGINEER
HIGHWAYS DEPARTMENT ,
(CONSTRUCTION AND MAINTENANCE)
TIRUNELVELI - 600002

4 THE DIVISIONAL ENGINEER
HIGHWAYS DEPARTMENT,
(CONSTRUCTION AND MAINTENANCE),
TIRUNELVELI - 627002.



WMP(MD) No.11714 of 2023

5 THE DISTRICT COLLECTOR,
TIRUNELVELI DISTRICT, TIRUNELVELI ...RESPONDENTS/RESPONDENTS

6 THE TAHSILDAR,
NANGUNERI TALUK,
TIRUNELVELI DISTRICT.

7 THE TAHSILDAR,
AMBASAMUTHIRAM TALUK,
TENKASI DISTRICT. ...6th & 7th RESPONDENTS
(R6 AND R7 ARE SUO MOTU IMPEADED VIDE COURT
ORDER DATED 07.08.2020 IN WP(MD).8808/2020
BYMSNJ AND PRMJ)

8 THE EXECUTIVE OFFICER,
KALAKADU PANCHAYAT, NANGUNERI,
TIRUNELVELI DISTRICT ...8th RESPONDENT
(R8 IS SUO MOTU IMPEADED VIDE
COURT ORDER DATED 02.12.2020
IN WP(MD). 8808/2020 BY NKKJ AND BPJ)

Writ Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue Interim Direction to direct the Respondents 3 to 5 to properly remove the encroachments made in the Kanthariamman Temple, Kallidaikurichi to Kanadiyan Channel, Kallidaikurichi, Ambasamudram Arch to Ambasamudram Railway Gate (Rani School), Ramalakshmi Hospital, Cheranmahadevi to Cheranmahadevi Bus Stand, Cheranmahadevi Bus Stand to Gandhi Park, Cheranmahadevi at Tirunelveli District pending disposal of the above Writ Petition.

Prayer in WP(MD). 8808/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus or any other appropriate Writ or order or direction in the nature of writ directing the Respondents to remove the encroachments made in the Highways roads at Kalakadu Thambithoppu turning to Thirukurungudi turning , Kalakadu Navanethakrishnan Temple Theppakulam and opposite to Ramalakshmi Hospital, Cheranmahadevi and Kallidaikurichi Railway Station Turning to Kannadiyan Channel Bridge and Ambasamudram Arch place to



WMP(MD) No.11714 of 2023

Ambasamudram railway Gate as per the Survey Map of Y.M.D. of year 1951 and 1964 in accordance with law within a stipulated period as framed by this Honble Court and consequently directing the Respondents to erect boundary stones at every 30 meters of Highway roads at both sides for public view.

ORDER : This Writ Miscellaneous Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. SUNDARAVEL A.M (PARTY IN PERSON) and of MR.P.THILAK KUMAR, Government Pleader on behalf of the Respondents, the court made the following order:-

This Miscellaneous Petition is filed by the Petitioner seeking interim direction to remove the encroachments made in the properties belonging to the Petition mentioned temples and other places.

2.This Writ Petition appears to be a "Publicity Interest Litigation" than a "Public Interest Litigation". The Petitioner has alleged several encroachments in the properties belonging to various temples, which comes under the purview of HR and CE Board. He has also alleged several encroachments.

3.The main Writ Petition is already disposed of on 21.09.2020 with certain directions. We find that the Petitioner has approached this Court without searching for any particulars or without collecting the relevant documents, so as to enable this Court to go into the details of the Subject-matter in issue. Even then, this Court issued general directions. Again this Miscellaneous Petition is filed as if the main Writ Petition is pending.

4. Therefore this Miscellaneous Petition is dismissed with a warning note that if



WMP(MD) No.11714 of 2023

the Petitioner come forward with such frivolous applications in future, he will be mulcted with costs.

sd/-
19/07/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSN
TO

1 THE PRINCIPAL SECRETARY
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<https://www.mhc.tn.gov.in/judis>



WMP(MD) No.11714 of 2023

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ORDER
IN
WMP(MD) No.11714 of 2023
IN
WP(MD) No.8808 of 2020
Date :19/07/2023

PKP/MR/SAR- /02.08.2023/ 5P/9C

Madurai Bench of Madras High Court is issuing certified
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