



W.P.(MD) No.7730 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.7730 of 2023
and
W.M.P.(MD) No.7178 of 2023**

P.S.Balachandra Bose & Ulaganambi

... Petitioner

-VS-

- 1.The District Collector
Dindigul District
- 2.The Revenue Divisional Officer
Dindigul, Dindigul District
- 3.The Tahsildar
Nilakottai Taluk
Dindigul District
- 4.The Executive Officer
Batlagundu Town Panchayat
Batlagundu, Dindigul
- 5.The Divisional Engineer, Highways
Construction & Maintenance
Dindigul



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6.The Assistant Divisional Engineer
Office of the Assistant Divisional Engineer
(Construction & Maintenance)
Batlagundu, Dindigul

7.The Superintendent of Police
Dindigul District

8.The Deputy Superintendent of Police
Nilakottai, Dindigul District

9.The Inspector of Police
Batlagundu Police Station
Batlagundu, Dindigul

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 6 herein to remove the encroachment on the Highways, its appurtenants, lands belonging to Highways in Survey Nos.1227/1, 1227/2, 1228, 1229, 1230, 1231, 1232, 399, 408 and 411 from Manjalaru River Bridge upto the end of Batlagundu Town Panchayat limit and Kaliyamman Temple, Madurai Highways upto Odai Bridge, within the fourth respondent Town Panchayat as per representation of the petitioner dated 28.12.2022 and submit a detailed report before this Court within a reasonable time fixed by this Court.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.P.Thilakkumar
Government Pleader



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ORDER

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

Mr.P.Thilakkumar, learned Government Pleader, takes notice for the respondents

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

3. Though the petitioner has sought for a writ of mandamus directing the respondents to remove encroachments, we do not think we can grant such a prayer in the absence of the alleged encroachers.

4. Considering the fact that the encroachers are many in number and it will be very difficult to serve notice on all of them, the writ petition is disposed of with a direction to the respondents 5 & 6 to have a survey done and take action to remove any encroachment that may be found to exist after following due process of law either under the Tamil Nadu Highways Act, 2001 or under the Tamil Nadu Land Encroachment Act, 1905, depending upon the classification of the land. Such proceedings shall be initiated and completed



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within a period of six months from the date of receipt of a copy of this order.

The District Collector, Dindigul District / first respondent and the Tahsildar, Nilakottai Taluk, Dindigul District / third respondent are required to render assistance to the Highways Authority in conducting the survey. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

06.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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- 3.The Tahsildar,
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Dindigul District.
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