



W.P.(MD)No.17320 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.07.2023

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THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P(MD)No.17320 of 2023

P.Kumaresan

... Petitioner

Vs.

1.The District Collector,
Dindigul-District,
Dindigul.

2.The Project Director,
National Highways Department of India,
Karumandapam,
Trichy.

3.The Authorized Officer,
National Highway Department of India,
Dindigul-District.

4.The Executive Officer,
Municipality Office,
Ayyalur, Dindigul – District.

5.The Deputy Superintendent of Police,
Dindigul-District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to remove the encroachers at Trichy-Dindigul Highway service road based on the petitioner's representation dated 19.06.2023.

For Petitioner : Mr.M.Vignesh Kumar

For Respondents 1, 4 & 5 : Mr.P.Thilak Kumar
Government Pleader

For Respondents 2 & 3 : Mr.P.Karthick

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus, to direct the respondents to remove the encroachers at Trichy-Dindigul Highway service road based on the petitioner's representation dated 19.06.2023.

2. As a matter of fact, the petitioner admitted that he had earlier filed a Writ Petition for similar prayer in W.P.(MD) No.22748 of 2022, wherein this Court has passed the following order:-

“4. Considering the submissions made by the learned counsel on either side, this writ petition is disposed of



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with a direction to the respondents to conduct a survey, after issuing notice to the petitioner and all the parties concerned, and thereafter, the respondents are directed to take necessary action for removal of the encroachments on Chennai - Dindigul highway service road, near Ayyalur Village, Vedasanthur Taluk, Dindigul District, after affording an opportunity of hearing to the petitioner and all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.”

The same petitioner has now filed the above Writ Petition for identical prayer stating that the respondents have of course removed the encroachers earlier but again the same people have encroached the public road.

3. The photographs produced by the petitioner show that there is no encroachment by putting up any permanent building or temporary structure, but there are hawkers doing small time business using the shadow of the bridge. Hence, this Court, except directing the respondents to regulate the hawkers in the interest of free flow of traffic, is not inclined to pass any order.



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4. This Court finds no merit in the Writ Petition, hence, it is closed with the above observation and direction. No costs.

[S.S.S.R., J.] [D.B.C., J.]
20.07.2023

NCC : Yes / No
Index : Yes / No
sj

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Project Director,
National Highways Department of India,
Karumandapam,
Trichy.
- 3.The Authorized Officer,
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Dindigul District.
- 4.The Executive Officer,
Municipality Office,
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and

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sj

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