



W.P.(MD)No.18068 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2023

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

W.P.(MD) No.18068 of 2023

M.Deivam

... Petitioner

-VS-

1.The Tahsildar,
Nilakkottai Taluk, Nilakkottai,
Dindigul District.

2.The Divisional Engineer,
Highways Department (Construction and Maintenance),
Dindigul - 624 016,
Dindigul District.

3.The Assistant Engineer,
Highways Department (Construction and Maintenance),
Periyakulam Road,
Batlagundu - 624 062,
Dindigul District.

4.Nagathevar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.1 to 3 herein to remove the encroachments made by the fourth respondent on the margin of Nadakottai Main Road, comprised in Survey No.170, situated at Senmarpatty,



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Viralimayanpatty Post, Nilakkottai Taluk, Dindigul District, on the basis of the petitioner's representation dated 03.07.2023, within the time stipulated by this Court.

For Petitioner : Mr.J.Lawrance
For R1 to R3 : Mr.S.P.Maharajan, Special Government Pleader
For R4 : Mr.K.K.Kannan

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard Mr.J.Lawrance, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader for the respondents 1 to 3 and Mr.K.K.Kannan, learned counsel for the fourth respondent.

2. The learned Special Government Pleader submits that if there is encroachment on the Highway, then, the respondent No.3 would take action in accordance with law against the encroachment on the Highway. The necessary survey would be made within a period of six weeks from today and depending upon the report of survey, further steps would be taken by the authority.

3. In the light of that, this Writ Petition is disposed of. No costs.



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4. The learned counsel for the petitioner submitted that the petitioner has deposited a sum of Rs.10,000/- pursuant to the directions of this Court, dated 27.07.2023. It was on the premise that as the Writ Petition does not come under the category "Public Interest Litigation", the said sum was directed to be deposited.

5. In view of the statement of the learned Special Government Pleader, we have disposed of the Writ Petition. We have not held that the Writ Petition is *mala fide*.

6. In the light of that, the amount of Rs.10,000/- deposited by the petitioner pursuant to the order of this Court, dated 27.07.2023, is directed to be returned back to him.

[S.V.G., .C.J.]

[K.K.R.K., J.]

28.11.2023

Index : Yes / No
Neutral Citation : Yes / No
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WEB COPY Copy to:-

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

To

- 1.The Tahsildar,
Nilakkottai Taluk, Nilakkottai,
Dindigul District.
- 2.The Divisional Engineer,
Highways Department (Construction and Maintenance),
Dindigul - 624 016,
Dindigul District.
- 3.The Assistant Engineer,
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THE HONOURABLE CHIEF JUSTICE
and
K.K.RAMAKRISHNAN, J.

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