



W.P(MD)No.19642 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.19642 of 2017

S.Subramani

... Petitioner

vs.

1. The Project Director,
National Highway Authority of India,
Door No.212-3/D3-1, Srinagar Colony,
Narjothipatti,
Salem-630 004.

2. The Deputy General Manager (T) &
Project Director,
National Highway Authority of India,
(Ministry of Road Transport and Highway),
No.7, Kamadhenu Nagar,
Karur-639 001.

3. S.Palaniammal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 2nd respondent to remove the 3rd respondent unauthorized



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occupation situated at National Highway No.7, Koolagoundanur, Checkumedu, Velayudampalayam, Punjaipughazur, Karur District.

For Petitioner : Mr.S.Gopalamanikandan
For R1 & R2 : Mr.V.Nirmal Kumar, Government Advocate

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the 2nd respondent to remove the 3rd respondent's unauthorized occupation situated at National Highway No.7, Koolagoundanur, Checkumedu, Velayudampalayam, Punjaipughazur, Karur District.

2. Learned counsel for the petitioner submitted that the 3rd respondent has encroached upon the National Highway No.7 and put up a compound wall and septic tank and blocked the passage leading to the petitioner's house. In this regard, though the 2nd respondent issued notice to the 3rd respondent in August 2017, for removal of the



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unauthorised occupation made by her, thereafter no action was taken to remove the said unauthorised occupation. Hence, the petitioner made a representation to the respondents on 11.09.2017 seeking to remove the encroachment made by the 3rd respondent and though the said representation was acknowledged by the official respondents, till date no action is taken. Hence, this writ petition.

3. Learned Government Advocate appearing for the official respondents has produced the communication of the 1st respondent in Ref.NHAI/PIU-Salem/NKT/2023/288 dated 20.02.2023, addressed to the Tahsildar, Pugalur Taluk, Karur District, wherein, the 1st respondent has stated that it is proposed to evict the encroachments in the place in question after measuring the boundaries. Hence, the 1st respondent requested the Tahsildar to issue necessary direction to the Revenue Surveyor/Official for measuring the boundaries of the lands in question and to furnish the details of encroachers, types and area of encroachments. Thus, the learned Government Advocate submitted that the respondents 1 and 2 will consider and dispose of the



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petitioner's representation dated 11.09.2017 within a time frame and appropriate action to remove the encroachment, if any, in the place in question will be taken within a time frame, for which, learned counsel for the petitioner has agreed.

4. Recording the aforesaid submission, we direct the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 11.09.2017 on merits and in accordance with law. If there is any encroachment in the place in question, after issuing notice and conducting survey in the presence of all the parties concerned, appropriate action to remove the encroachment shall be taken, after affording sufficient opportunity to all the parties concerned and by following due process of law. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. Needless to say that the petitioner shall send copy of the representation dated 11.09.2017 to the respondents 1 and 2 so as to enable them to comply with the directions of this Court within the stipulated time.



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5. With the above direction, this Writ Petition is disposed of.

No costs.

NCC : Yes / No
Index : Yes / No
Internet : Yes
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[D.K.K.,J.] & [L.V.G.,J.]
21.02.2023

To

1. The Project Director,
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2. The Deputy General Manager (T) &
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and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
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DATED : 21.02.2023