



W.P(MD)No.28743 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2023

CORAM :

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

W.P(MD)No.28743 of 2022

M.Paul Raj

... Petitioner

vs.

1. The District Collector,
Theni District.

2. The Revenue Divisional Officer,
Uthamapalayam, Theni District.

3. The Tahsildar,
Uthamapalayam,
Theni District.

4. The Assistant Executive Engineer,
Highways Construction and Maintenance,
Uthamapalayam,
Theni District.

5. P.Mani Kandan

6. R.Rengaraj

7. Kathiresan

... Respondents

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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1-4 to remove the encroachment made on the Uthamapalayam-Bodi Highways comprising Survey No.285/1A, 2A, Kombai, Uthamapalayam Taluk, Theni District, by the respondents 5-7 based on the proceedings dated 04.11.2022 initiated by the 4th respondent within a time frame fixed by this Court.

For Petitioner : Mr.V.P.Rajan
For R1 to R4 : Mr.K.Balasubramani
Special Government Pleader

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 respondents 1 to 4 to remove the encroachment made on Uthamapalayam-Bodi Highways comprising Survey No.285/1A, 2A, Kombai, Uthamapalayam Taluk, Theni District, by the respondents 5 to 7, based on the proceedings dated 04.11.2022 initiated by the 4th respondent within a time frame.



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The 4th respondent has filed an affidavit today undertaking to remove the encroachment in the place in question. The relevant portion of the counter reads as follows:-

"5. I submit that on 04.11.2022 vide Notice No. 9/2022/Iva.A, a Notice was given by the 4th Respondent to the encroachers for removal of encroachments. Thereafter, a hunger strike was organized by the encroachers along with 100 local people on 21.11.2022 demanding that the encroachments should not be removed by the Respondents, since Arunthathiyar Temple is located near the encroached area. Moreover, on 22.11.2022 the above said 100 local people marched towards the 4th Respondent office opposing the removal of encroachment. Hence, the act of removing the encroachments was dropped for time being by the authorities, since there existed a cloud of law and order issues.

6. I submit that it is bounden duty of the 4th Respondent to remove the encroachments which is caused hindrance to the general public leading to traffic congestion. Hence, I undertake that the removal process would be completed and the encroachments will be removed after getting adequate police protection, the whole exercise would be completed within a period of 8 weeks."



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3. Recording the aforesaid averments, the Writ Petition is disposed of directing the official respondents to remove the encroachment in the place in question by due process of law within a period of eight weeks from the date of receipt of a copy of this order. If necessary, the official respondents may seek police protection for removal of the encroachment. No costs.

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

[D.K.K.,J.] & [L.V.G.,J.]
08.02.2023

To

1. The District Collector,
Theni District.
2. The Revenue Divisional Officer,
Uthamapalayam, Theni District.
3. The Tahsildar,
Uthamapalayam,
Theni District.
4. The Assistant Executive Engineer,
Highways Construction and Maintenance,
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Theni District.

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and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
W.P(MD)No.28743 of 2022
DATED : 08.02.2023