



WEB COPY



W.P.Nos.838, 846 & 939 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.Nos.838, 846 & 939 of 2020
and
W.M.P.Nos.1012, 1017 & 1134 of 2020

R.Devaraj ... Petitioner in W.P.No.838/2020

Thilakavathy ... Petitioner in W.P.No.846/2020

S.Vatchala ... Petitioner in W.P.No.939/2020

Vs.

1. State of Tamil Nadu,
Rep. by Secretary to the Government,
Public Works Department, Chennai-600 009.

2. District Collector,
Collectorate,
Kanchipuram-631 501.

3. District Revenue Officer,
Vandavasi Salai, Kanchipuram H.O,
Kanchipuram-631 501.

4. Divisional Engineer,
Tambaram.

5. Special Tahsildar (L.A.), NH.II,
World Bank Project, Chennai-600 090.



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6. The Tahsildar,
Vandalur Taluk,
Chengalpattu District.

7. Assistant Engineer,
National Highways,
Koyambedu, Chennai-600 106.

8. National Highways Authority Of India,
G-5 and 6, Sector-10, Dwarka,
New Delhi-110075.

(R8 suo-motu impleaded as per order dated 25/2/2020 made in
WP.Nos.838, 846, 939 of 2020 by RPSJ, TKRJ)

... Respondents in all the Writ Petitions

Prayer in W.P.No.838/2020:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records in Public Notice dated 31.12.2019 on the file of the 7th respondent and quash the same as unconstitutional, arbitrary, illegal in so far as the petitioner is concerned and consequently forbear the respondents from, in any manner, interfering possession and enjoyment, of the petitioner, of the property bearing Old Door No.17, New No.1001, G.S.T.Road, Urupakkam, chengalpattu 603 210, comprised in Old Survey No.153/1, New Survey No. 153/22, Urupakkam Village, Vandalur Taluk, Chengalpattu District.

Prayer in W.P.No.846/2020:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records in Public Notice dated 31.12.2019 on



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the file of the 7th respondent and quash the same as unconstitutional, arbitrary, illegal in so far as the petitioner is concerned and consequently forbear the respondents from, in any manner, interfering possession and enjoyment, of the petitioner, of the property bearing Old Door No.185, New No.35, G.S.T.Road, Urupakkam, chengalpattu 603 210, comprised in Old Survey No.153/1, New Survey No. 153/22, Urupakkam Village, Vandalur Taluk, Chengalpattu District.

Prayer in W.P.No.939/2020:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records in Public Notice dated 31.12.2019 on the file of the 7th respondent and quash the same as unconstitutional, arbitrary, illegal in so far as the petitioner is concerned and consequently forbear the respondents from, in any manner, interfering possession and enjoyment, of the petitioner, of the property bearing Door No.28, G.S.T.Road, Urupakkam, chengalpattu 603 210, comprised in Old Survey No.153/1, New Survey No. 153/22, Urupakkam Village, Vandalur Taluk, Chengalpattu District.

For Petitioners in
all Writ Petitions : Ms.R.V.Rukmani for
Mr.P.B.Ramanujan

For Respondents in
all Writ Petitions : Mr.A.Selvendran,
Special Government Pleader,
(for R1 to R7);

Mr.Su.Srinivasan (for R8)



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COMMON ORDER

(Order of the Court was delivered by S.M.Subramaniam J.)

The public notice issued for removal of encroachments in the National Highway's property, is under challenge in the present writ proceedings.

2. The learned counsel for the petitioners would submit that the lands were acquired for the road expansion projects. The project was completed. That being so, the petitioners may not have any claim.

3. The learned Government Pleader would submit that at request of the competent authorities of National Highways Authority of India, the State Highways Authority have conducted a survey and identified the encroachments. The Divisional Engineer, Tambaram/4th respondent, conducted survey. The authorities found that the petitioners have encroached upon the National Highway's property. Thus, notice was issued.



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4. In view of the fact that the petitioners have been identified as encroachers and notice have been issued, the petitioners are at liberty to submit their objections, if any, along with the documents, within a period of ten (10) days from today. On receipt of any such objections, the respondents shall look into the same and thereafter, remove the encroachments, if any, by following the procedures. The entire exercise is directed to be completed within a period of six (6) weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petitions are disposed off. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.J.,)

(K.R.S.J.,)

26.02.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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To

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S.M.SUBRAMANIAM, J.

and

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