



WEB COPY



W.P.No.1004 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.No.1004 of 2020
and
W.M.P.Nos.1218 & 22706 of 2020

Dr.B.Jayakumar

... Petitioner

Vs.

1. The Union of India,
Rep. by its Secretary to Government,
Ministry of Road Transport and Highways,
Government of India, New Delhi.

2. The Assistant Engineer,
Ministry of Road Transport and Highways,
Chennai.

3. The Special Officer,
Urapakkam Panchayat,
Chengalpattu District.

4. M/s.Best Aluminium and Hardware,
Rep. by its Proprietor, S.Ayub Khan,
GST Road, Urapakkam,
Chengalpattu District.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Certiorari, call for the records relating to



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the impugned Public Notice dated 31.12.2019 of the second respondent and quash the same.

For Petitioner : Mr.C.Sivansan

For Respondents : Ms.P.J.Anitha,
Central Government Standing Counsel,
(for R1 & R2);

Mr.A.Selvendran,
Special Government Pleader, (for R3).

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 proceeding.

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

3. The learned Special Government Pleader would submit that at the request of the competent authorities of National Highways Authority of India, the State Highways Authority have conducted a survey and



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identified the encroachments. The Divisional Engineer, Tambaram conducted survey. The authorities found that the petitioner has encroached upon the National Highway's property. Thus, notice was issued.

4. In view of the fact that the petitioner has been identified as an encroacher and notice has been issued, the petitioner is at liberty to submit his objections, if any, along with the documents, within a period of ten (10) days from today. On receipt of any such objections, final decision shall be taken and thereafter, the respondents shall remove the encroachments, if any, by following the further 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 petition stands 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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S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

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