



WEB COPY



WP No.21007 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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K.Kannammal

.. Petitioner

-VS-

1. The Commissioner,
Komarapalayam Municipality,
Salem Main Road,
Komarapalayam 638 183.

2. Senthil

3. Kannappan

4. Chellappan

5. Maharasan

6. The Divisional Engineer,
Namakkal Division, Department of
Highways, Mohanur Road,
Namakkal 637 001.
(R-6 impleaded vide order dt.25.09.2023
made in WMP.No.23753/2023)

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to remove the above said road margin encroachment made by 5th respondent with a help of respondents 2 to 4 in the road margin land between the Edappadi Main Road, Highway Road and the petitioner's property comprised bearing T.S.No.120, 119 and 118, Komarapalayam



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Aragaram Village, Namakkal District, particularly in TS No.120, Komarapalayam Village, Komarapalayam Taluk so as to have the petitioner access from the Edappadi High Way Road to the petitioner above said properties comprised in T.S.No.120, 119 and 118, Komarapalayam Aragaram Village, Komarapalayam Taluk and Municipaity, Namakkal District so as to maintain the Highway Road as a road, on the basis of the petitioner's representation dated 18.04.2023 within a time frame fixed by this Court.

For the Petitioner : Mr.P.Gunaraj
For the Respondents : M/s.C.Meena Arumugam, for R-1
: Mr.B.M.Subash, for RR 2 to 5
: Mr.P.Muthukumar,
State Government Pleader, for R-6.

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.P.Gunaraj, learned counsel for the petitioner, M/s.Meena Arumugam, learned counsel for respondent No.1, Mr.B.M.Subash, learned counsel for respondent Nos.2 to 5 and Mr.P.Muthukumar, learned State Government Pleader, for respondent No.6.

2. The learned counsel for the petitioner submits that



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encroachment has been made by the 5th respondent in the road margin with the help of respondent Nos.2 to 4. The encroachment is on the Highway.

3. The learned counsel for respondent Nos.2 to 5 submits that respondent Nos.2 to 5 have not encroached upon any land of the Highway.

4. The learned State Government Pleader, on instructions, submits that within a period of one month, measurement would be carried out and if the measurement report discloses encroachment, then the authorities would take steps to remove the encroachment expeditiously.

In view of the said statement, the writ petition is disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

18.01.2024

Index : Yes/No

Neutral Citation : Yes/No

sra



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sra)

To

1. The Commissioner,
Komarapalayam Municipality,
Salem Main Road,
Komarapalayam 638 183.
2. The Divisional Engineer,
Namakkal Division, Department of
Highways, Mohanur Road,
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