



WEB COPY



W.P.No.25781 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P. No.25781 of 2019
and
W.M.P.Nos.25226 & 25228 of 2019

Nareshchand Jain

... Petitioner

Vs.

- 1.The Secretary,
National Highways Department,
Government of TamilNadu,
Fort St.George, Chennai – 600 009.
- 2.National Highways Authority of India,
Represented by General Manager,
Ministry of Road Transport and Highways
Office of the Project Director, P.I.U,
No.26, 1st floor, V.G.P.Nagar West,
Vazhudhareddy post, Villupuram.
- 3.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.



W.P.No.25781 of 2019

4. Deputy Director of Town and Country Planning,
Vellore Region,
No.239, Phase-II, Sathuvachari,
Vellore – 9.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of certiorari, to call for the records and to quash the letter dated 10.07.2019 reference No.F1/4648/2019 from the 3rd respondent and letter dated 23.7.2019 reference no.11025/NH-66/112/vol-1/2018/PIU-VPM/1695 from the 2nd respondent.

For Petitioner	: Mr.G.A.Girija Venkataramanan
For R1,R3 and R4	: Mr.A.Selvendran Special Government Pleader
For R2	: Mr.V.Chandrasekaran for Mr.Su.Srinivasan for NHAI

ORDER

(Order of the Court delivered by S.M.SUBRAMANIAM,J.)

The notice for removal of unauthorised occupation dated 23.07.2019 issued under National Highways Act is under question in the present writ proceedings.



W.P.No.25781 of 2019

2. Ms.G.A.Girija Venkataramanan, learned Counsel for the petitioner would submit that the petitioner is not an encroacher and he is not in occupation of any water body. The petitioner is possessing title documents to establish his Civil rights. Thus, the notice impugned is untenable and to be set aside.

3. Learned Standing Counsel for the National Highways Authority of India would oppose the said contention by stating that the Authorities have found that public land has been encroached upon and survey has been conducted. The Authorities are empowered to remove the encroachments by following the procedures as contemplated under the National Highways Act. Thus, the notice issued is in consonance with the provisions of the Act and the writ petition is to be rejected.

4. Perusal of the notice impugned would reveal that the writ petitioner has encroached upon the land belongs to National Highways. Thus, the impugned notice was issued. However, we are inclined to grant one more opportunity to the petitioner to submit all his documents. Accordingly, the petitioner is at liberty to submit his objections along with the documents if



W.P.No.25781 of 2019

any within a period of 10 days from today i.e. 22.02.2024 to the respondents.

On receipt of the same, the respondents shall look into the correctness of the documents and take a decision and proceed with the removal of encroachments by following the procedures. The entire exercise is directed to be completed within a period of 12 weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition stands disposed of. Consequently, connected miscellaneous petitions are closed.

[S.M.S.J.] [K.R.S.J.]
22.02.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

veda

To

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2.National Highways Authority of India,
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W.P.No.25781 of 2019

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3.The District Collector,
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W.P.No.25781 of 2019

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Order in
W.P.No.25781 of 2019

22.02.2024
(2/2)