



**W.P.No.34813 of 2024**

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2024

Coram

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

**W.P.No.34813 of 2024**

M.Srinivasan

S/o.R.Mohanam

... Petitioner

VS

1. The District Collector

O/o. The District Collector

Collectorate Building

Sathuvachari

Vellore – 632 009

2. The Divisional Engineer

Chennai – Bangalore National Highway

B-Block, 2<sup>nd</sup> Floor

District Collector Office

Vellore

3. The Special Tahsildar

National Highway Land Acquisition

Vellore – 09



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4. The Projector Director  
National Highways Authority of India  
No.259/1, Salem Main Road  
K.A.K.C Near Petrol Bunk  
Krishnagiri – 635 001

5. The Executive Engineer  
Public Works Department  
Buildings (C & M) Division  
Vellore – 600 004

6. Arumugam

7. Velankanni

8. Sheik Diwan

9. Dakshayani M

10. Perumal C

11. Elumalai S

12. Shajathi Bee

13. Venu A

14. Chanma

15. Sreenivasan E



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16. Subramani

17. Karusha

18. Kadhar Basha

19. Saravanan T

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to remove the encroachments in Survey No.428/2, Service Road, Sathuvachari Village, Vellore Taluk – 632 009 by considering the petitioner's representation dated 10.04.2021.

For Petitioner : Ms.Ramya Murali Kumaran  
of M/s.McGan Law Firm

For Respondents : Mr.V.Ravi  
Special Govt. Pleader for R1 to R5

**ORDER**

(Order of the Court was made by K.RAJASEKAR, J.)

This writ petition has been filed seeking a direction to first respondent to remove the encroachment in land belongs to National Highways in Survey No.428/2, Service Road of Sathuvachari Village,



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Vellore Taluk, which has been classified as “Arasu Poramboke”.

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2. It is the case of the writ petitioner that he is running a Cinema Theatre in S.No.428/1 and adjacent to his land belongs to National Highways Authority of India and that the said land has been encroached by private respondents who are arrayed as R6 to R19. According to learned counsel for the writ petitioner, the encroachment made by the private respondents obstructs the emergency exit of the cinema theatre and therefore, in the interest of public, encroachment has to be removed.

3. The learned counsel for the writ petitioner submitted that the writ petitioner has also sent a representation to the official respondents but so far no action has been taken and hence, the writ petitioner has filed the present writ petition.

4. Issue notice to official respondents.

5. Mr.V.Ravi, learned Special Government Pleader accepts notice for Respondents 1 to 5.

5. Considering the limited scope of the prayer in the writ petition,



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the main writ petition itself is taken up for final disposal.

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6. The learned Special Government Pleader, on instructions, submitted that S.No.428/2 has been classified as Government Poramboke and it has been transferred in favour of National Highways Authority of India as reflected in the 'A' Register. He would further submit that notice invoking the National Highways Authority of India Act, 1988 would be issued to the alleged encroachers (private respondents) and enquiry in this regard will be conducted.

7. On a perusal of the records, we find that at the time of renewal of licence for running the Cinema Theatre, Officers of the Public Works Department have inspected and they have also noted the encroachment in the Emergency Exit of the Cinema Theatre. Further, the petitioner herein has also sent a representation to the respondents seeking removal of encroachment in the said land.



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8. Considering the facts and circumstances and the submissions made, we are inclined to give a direction to Respondent No.2 to conduct survey after giving opportunity to all concerned including the private respondents. If any encroachments are found, Respondent No.2 shall take action in accordance with law. The above exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition is disposed of. There shall be no order as to costs.

[M.S., J] [K.R.S., J]  
25.11.2024

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

gpa



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To

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