



WEB COPY



W.P.No.26750 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.26750 of 2019
and
W.M.P.Nos.26139 & 26148 of 2019

Raghuraman

... Petitioner

Vs.

- 1.The District Collector,
Tiruvannamalai District.
- 2.The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai District.
- 3.The Divisional Engineer (H) (C&M),
Highways Department,
Tiruvannamalai,
Tiruvannamalai District.
- 4.The Assistant Divisional Engineer (H) (C&M),
Highways Department,
Tiruvannamalai,
Tiruvannamalai District.
- 5.The Assistant Engineer (H) (C&H),
Highways Department,

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Tiruvannamalai,
Tiruvannamalai District.

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6.The Superintendent of Police,
Tiruvannamalai,
Tiruvannamalai District.

7.The Inspector of Police,
Taluk Police Station,
Tiruvannamalai,
Tiruvannamalai District.

8.Mr.Siva @ Sivakumar

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of certiorarified mandamus, calling for the records relating to the impugned notice in Ka.No.09/2019/U./dated 14.08.2019 of the 4th respondent and quash the same and consequently direct the respondents 1 and 2 to issue house site Patta to the petitioner.

For Petitioner	: Mr.V.Prasad
For R1 to R7	: Mr.A.Selvendran Special Government Pleader
For R8	: Mr.T.Shanmugam



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ORDER

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

The notice dated 14.08.2019 issued under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 is under challenge in the present writ petition.

2. The respondent/Assistant Divisional Engineer in his counter has stated that the land in Survey No.112, Karuthuvampadi Village is a Government Poramboke land marked as Highway Road Poramboke in the Revenue Department Accounts. As this pathway is being used as bus flying road, this land is considered as highway road poramboke. Therefore, the maintenance of the road vest with the State Highways Department and the 3rd respondent/Divisional Engineer, Highways is the District Officer for the maintenance of the highways road.

3. Since the respondents state that it is a highway road, they are bound to initiate action to evict the encroachments under the provisions of the Highways Act. Since notice under Section 6 of the Land Encroachment act, 1905 was issued, the present writ petition came to be instituted.



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4. The Counter affidavit filed by the Assistant Divisional Engineer would reveal that after the issuance of impugned notice dated 14.08.2019, further notice was issued on 28.09.2019 under Section 28(2)(ii) of the Tamil Nadu Highways Act, 2001. Since action was initiated under the Highways Act, the respondents are directed to complete the procedures by affording opportunity to the encroachers and accordingly, remove the encroachments and utilise the public property for public usage in the manner known to law. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition stands disposed of. No costs. 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



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To

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Highways Department,
Tiruvannamalai,
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S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.

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Order in
W.P.No.26750 of 2019

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