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W.P.No.28135 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

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

W.P. No.28135 of 2019

1.T.Muthusamy Gounder
2.Senthilkumar

... Petitioners

Vs.

1.The Divisional Engineer,
Highways Department,
Pollachi.

2.The Sub Divisional Engineer,
Highways Department,
Pollachi.

3.Mohammed Hanifa Rowther
4.Jaffer
5.Abdulkhadher Jailani

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Mandamus, directing the 1st and 2nd respondents to take appropriate action based on the petitioners representation dated 29.06.2019 for removal of the illegal encroachment made in survey no.161, 162 and 190 situated at Mappillaigounder Village, Servaikaranpalayam, Revenue Village,



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Pollachi Taluk, Coimbatore District.

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For Petitioners	: Mr.N.Umapathi
For R1 and R2	: Mr.A.Selvendran Special Government Pleader
For R3 to R5	: No appearance

ORDER

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

Regarding the relief sought for in the present writ petition, Mr.A.Selvendran, learned Special Government Pleader appearing for the 1st and 2nd respondents would rely on the Counter affidavit filed by the 2nd respondent, Highways Department. Para 4 and 5 of the counter reads as under:

“4. the petitioners land in Survey No.293/1 to an extent of 6.12.50 Ares is situated adjacent to the above said survey numbers. It is submitted that during inspection by this respondent, it was noticed that there were some encroachments in the road laid in survey no.161, 162 and 190 of Mappillaigoundenpudur Village, Servaikaranpalayam Revenue Village, Pollachi Taluk, Coimbatore District and immediately the encroachers were directed by this respondent to vacate the impending encroachments. It is submitted that the said encroachments have been removed on 25.08.2019. It is submitted that the Highways Department has necessary steps to remove such



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encroachment and now the said road is free from encroachments.

5.this respondent is keenly watching the said road and if any encroachments are found appropriate action has been taken to remove such encroachments and this a routine exercise being done by this respondent. It is pertinent to submit that the petitioners had never approached this respondent and never submitted representations. However, the impending encroachments in Survey No.161, 162 and 1909 of Mappillaigoundenpudur Village, Servaikaranpalayam Revenue Village, Pollachi Taluk, Coimbatore District are noticed by this respondent during routine visit and immediate actions were initiated to remove the encroachments and accordingly the encroachments have been removed and now the said road is free from encroachments. It is submitted that the averments of the petitioner have no merits and deserves no consideration and liable to be rejected.”

3. In view of the above statement in the counter affidavit, the Official respondents are directed to remove all the encroachments existing as of now and maintain the road free from further encroachments for public usage.



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4. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs.

[S.M.S,J.] [K.R.S,J.]
27.02.2024

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

To

1.The Divisional Engineer,
Highways Department,
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2.The Sub Divisional Engineer,
Highways Department,
Pollachi.

S.M.SUBRAMANIAM,J.



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AND
K.RAJASEKAR,J.

veda

Order in
W.P.No.28135 of 2019

27.02.2024
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