



WP No.30153 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.30153 of 2023
and WMP No.33019 of 2023

N.Sakthivel
Petitioner

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-VS-

1. The District Collector,
Office of District Collector,
Salem District 636 001.
2. The Assistant Divisional Engineer,
Department of Construction and Maintenance,
Highway Department, Attur Taluk,
Salem Division, Salem District.
3. The Tahsildar,
Attur, Salem District.
4. The Block Development Officer,
Attur Village Panchayat,
Salem District.
(RR3 & 4 suo motu impleaded as per
order of Court dt.12.01.2024 in WP.)

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Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st and 2nd respondents to consider the representation dated 01.09.2023 of the petitioner and to remove the illegal, unauthorized encroachments in Survey Nos.183/3, 182/7, 401/29, 402/1, 402/2, 402/3, 400/1, 400/54, 396/1, 396/23, 387/1, 152, 386/52, 384/25, 383/10 of Ammampalayam Village, Attur Taluk, Salem District in accordance with law.

For the Petitioner : Mr.L.Thiyagaiya

For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha,
Spl.Govt. Pleader

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.L.Thiyagaiya, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader, for respondent Nos.1 and 2.

2. At the request of the learned counsel for the petitioner, the Tahsildar, Attur, Salem District and the Block Development Officer,



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Attur Village Panchayat, Salem District are impleaded as respondents 3 and 4 and Mr.P.Muthukumar, learned State Government Pleader, takes notice for respondent Nos.3 and 4 also.

3. The learned State Government Pleader, on instructions from the Assistant Divisional Engineer, Highways (C&M), Attur, submits that out of 15 survey numbers stated by the petitioner, S.No.152 alone belongs to the Highways Department and the remaining 14 survey numbers are under the control of the Revenue Department and the local authority. A request was made on 01.11.2023 to the Tahsildar to measure the Highways boundary in S.No.152 in order to initiate the eviction process. The fees is also deposited. The survey is conducted and the details of the encroachments are forwarded. However, the boundaries were not marked while conducting the survey. Now, the boundaries were demarcated on 24.11.2023 and the survey was once again conducted by the Tahsildar. Notice was issued by the Assistant Divisional Engineer, Highways (Construction & Maintenance), Attur, under the Highways Act 2001 to the encroachers on 25.11.2023. Now, the further steps would be taken by the Highways authority along with the Revenue officials and local



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authorities expeditiously.

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

(S.V.G., C.J.)

(D.B.C., J.)

12.01.2024

Index : Yes/No
Neutral Citation : Yes/No

sra

To

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

(sra)

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