



W.P.No.35066 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2024

Coram

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

and

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

W.P.No.35066 of 2024

Mr.P.Murugesan

S/o.Pachaiappan

... Petitioner

VS

1. The District Collector
Villupuram District
Villupuram – 605 602

2. The Tahsildar
Melmalaiyanur Taluk
Melmalaiyanur
Villupuram – 604 204

3. The Block Development Officer
Melmalaiyanur Taluk
Melmalaiyanur
Villupuram – 604 204



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4. The Revenue Inspector
Sathambadi
Melmalaiyanur Taluk
Villupuram – 604 204

5. The Village Administrative Officer
Valathi Village
Melmalaiyanur Taluk
Villupuram – 604 208

6. The President
Valathi Panchayat
Valathi Village
Melmalaiyanur Taluk
Villupuram – 604 208

7. Elumalai

8. Murugan

9. Chinnadurai

10. Ramar

11. The Divisional Engineer,

Highways Department, Villupuram

.. Respondents

(R11 suo motu impleded vide this order)

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing 2nd and 3rd respondents to consider and dispose of petitioner representation dated 03.08.2024 to remove the encroachment made by respondents 7 to 10 in Survey No.421 Road and Rain Water drainage situated adjacent to the Survey



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No.417/7D situated at Villupuram District, Melmalaiyanur Taluk, Valathi Village.

For Petitioner : Ms.K.Indumathy Venkatesh

For Respondents : Mr.T.K.Saravanan
Govt.Advocate for R1, R2, R4&R5

Mr.V.Ravi
Spl. Govt Pleader for R3 and R6

ORDER

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

This writ petition has been filed seeking a direction to respondents 2 and 3 to remove the encroachments in S.No.421 of Valathi Village, Melmalaiyanur Taluk, Villupuram District.

2. It the case of the writ petitioner that he is a adjacent land owner of the alleged encroached area and due to the encroachment made by the private respondents (R7 to R10), the bus shelter was also damaged and width of the road has shrunken.

3. The learned counsel for the writ petitioner submits that



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previously the petitioner had filed a writ petition in W.P.No.1396 of 2024 seeking a direction to remove the encroachment in S.Nos.425/2 and 425/3 in the very same village and the said writ petition was allowed. Now this petition is filed to remove the encroachments made in S.Nos.421 and 417.

4. Issue notice to official respondents.

5. Mr.T.K.Saravanan, learned Government Advocate accepts notice for R1, R2, R4 and R5 and Mr.V.Ravi, learned Special Government Pleader accepts notice for R3 and R6.

6. Considering the limited scope of the present writ petition, with the consent of all the learned counsel, the main writ petition is taken up for final disposal in the admission stage.

7. The learned State counsel submits that S.No.425/3 is classified as “Road” (சாலை) and the present survey number is also falls within the same classification i.e., Road and notices were already issued to the



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private respondents and they would issue notice with regard to survey numbers 421 and 417 also by invoking Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34 of 2002).

8. Based on the submissions made by the State counsel, the Divisional Engineer, Highways Department, Villupuram is *suo motu* impleaded as 11th respondent and he is directed to issue notice to all the parties concerned and if any representations are received from the private respondents, the same shall be considered and final orders shall be passed in accordance with the Tamil Nadu Highways Act, 2001. We make it clear that we have not expressed any view or opinion on the claim made by the parties and all the rights and contentions of private respondents are preserved.

Writ petition is disposed of with the above direction. No costs.

[M.S., J]

[K.R.S., J]

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Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order
gpa

To

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K.RAJASEKAR, J.,**

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