



W.P.No.35359 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.35359 of 2024

and

WMP.No.38238 of 2024

N.Palanivel
...Petitioner

Vs.

1. The District Collector,
Kallakurichi District.
 2. The Assistant Divisional Engineer,
(Highways) Assistant Divisional Engineer Office,
Highways Department, Sankarapuram,
Kallakurichi District.
 3. The Assistant Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.,
Sankarapuram, Kallakurichi District.
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, direct the respondents 2 and 3 herein to remove the boundary - stone, road and electric pole laid in petitioner's property in Survey Nos.132/1A, 132/1B measuring to an extent of 25 cents situated at Melapattu Village, Sankarapuram Taluk, Kallakurichi District, pursuant to petitioner's representation dated 16.08.2024.



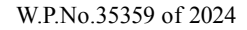
W.P.No.35359 of 2024

For Petitioner : Mr.P.Pandiyaraj
For R1 & R2 : Mrs.M.Jayanthi
Additional Government Pleader
For R3 : Mr.Swamisubramanian
Standing Counsel

ORDER

The petitioner herein seeks a direction to the respondents 2 and 3 to remove the boundary - stone, road and electric pole laid in his property in Survey Nos.132/1A, 132/1B measuring to an extent of 25 cents situated at Melapattu Village, Sankarapuram Taluk, Kallakurichi District, by considering his representation dated 16.08.2024.

2. It is the case of the petitioner that the above mentioned property was purchased by him under registered documents and patta was also issued in his name. It is further stated by the petitioner that on 07.08.2024, the second respondent encroached 1584 sq.ft. of property in the above mentioned land by laying the road. Aggrieved by the same, the petitioner submitted a representation dated 16.08.2024, before the respondents 1 to 3 seeking removal of illegally laid road and illegally erected poles in the petitioner's land and the same has not been considered till date. Therefore, the petitioner is



3. Mrs.M.Jayanthi, learned Additional Government Pleader takes notice for the respondents 1 & 2 and Mr.Swamisubramanian, learned Standing Counsel takes notice for the third respondent.

4. The learned Additional Government Pleader appearing for the respondents 1 & 2 would submit that the property was properly surveyed and it was found that road was laid only within the property belong to highways department and no portion of petitioner's patta land was encroached.

5. In view of the above submission made by the learned Additional Government Pleader appearing for the respondents 1 & 2, without going into the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the second respondent to survey the property in the presence of the petitioner and the third respondent and fix the boundaries of the petitioner's property and the highways land. It is needless to say that if it is found that any portion of the petitioner's property was encroached at the time of laying road or fixing the electric poles, the same shall be removed and shifted. The



W.P.No.35359 of 2024

survey of the property shall be completed within a period of eight weeks from the date of receipt of copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

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Kallakurichi District.
2. The Assistant Divisional Engineer,
(Highways) Assistant Divisional Engineer Office,
Highways Department, Sankarapuram,
Kallakurichi District.
3. The Assistant Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.,
Sankarapuram, Kallakurichi District.



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S. SOUNTHAR, J.

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