



WEB COPY

W.P. No.38043 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.12.2024

CORAM:

THE HON'BLE MR. JUSTICE M. SUNDAR
AND
THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No.38043 of 2024

M. Pari

Petitioner

vs.

1. The District Collector
Office of the District Collector
Ranipet District
2. The Divisional Engineer
Office of the Highways Department
Construction and Maintenance
Wallajah Taluk
Ranipet District
3. The Assistant Divisional Engineer
Office of the Highways Department
Construction and Maintenance
Wallajah Taluk
Ranipet District
4. The Superintendent of Police
Office of the Superintendent of Police
Ranipet District
5. The Divisional Engineer
Office of the TANGEDCO
Wallajah Taluk
Ranipet District



6. The Revenue Tahsildar
Office of the Revenue Tahsildar
Wallajah Taluk
Ranipet District

7. S. Kumar

8. S. Mahadevan

9. K. Sekar

10. E. Arumugam

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 6 to consider the petitioner's representation for removal of encroachment in Ammoor Village of Wallajah Taluk in Ranipet District dated 11.03.2024 within a time limit and for a further direction to the sixth respondent to measure the said pathway in S.No.657 of Ammoor Village of Wallajah Taluk in Ranipet District and file a report before the respondents 1 to 5.

For petitioner

Mr. M. Anantharaj

For RR 1-3 & 5 & 6

Mr. V. Ravi
Special Govt. Pleader

For R4

Mr. E. Raj Thilak
Additional Public Prosecutor



ORDER

(made by M. SUNDAR, J.)

Captioned 'Writ Petition' (for the sake of brevity 'WP') pertains to land comprised in Survey No.657, Ammoor Village, Wallajah Taluk, Ranipet District (for the sake of brevity 'said property').

2. Mr. M. Anantharaj, learned counsel for writ petitioner seeks a mandamus *qua* a representation dated 11.03.2024 and the burden of the song of the writ petitioner in the representation as well as in the hearing is that there is encroachment in said property and that the alleged encroachers are respondents 7 to 10 (private respondents).

3. Learned counsel for writ petitioner submits that in spite of representation dated 11.03.2024, there is inaction and that has necessitated the filing of the captioned WP.

4. Issue notice to official respondents.



5. Mr. V. Ravi, learned Special Government Pleader, accepted notice for respondents 1 to 3, 5 and 6. Mr. E. Raj Thilak, learned Additional Public Prosecutor, accepts notice for respondent 4.

6. Learned Special Government Pleader, on instructions, submits that survey has been conducted *qua* said property, encroachment has been found and action will be initiated under Tamil Nadu Highways Act, 2001 (for clarity and convenience 'T.N. Highways Act'). Learned Special Government Pleader makes a specific submission that action under T.N. Highways Act would necessarily mean show causing the alleged encroachers *inter alia* under Section 28 (2) (ii) of T.N. Highways Act. This means that the rights and contentions of private respondents (respondents 7 to 10) and/or any other encroacher will stand preserved when show caused. As there is adequate safety valve in terms of private respondents being show caused, captioned main WP is taken up with the consent of learned counsel on both sides.

7. If action under T.N. Highways Act is initiated, private respondents and/or other similarly placed encroachers would be show caused and as already alluded to *supra*, all the rights and contentions of the

4/6



private respondents and/or other similarly placed encroachers are preserved ...

We deem it appropriate to dispose of captioned WP by recording stated position of the learned Special Government Pleader who has accepted notice for respondents 1 to 3, 5 and 6. We do so.

8. *Ergo*, sequitur is captioned main WP is disposed of recording the stated position of the learned Special Government Pleader albeit with preservation of rights of respondents 7 to 10 and/or other similarly placed persons in the aforesaid manner. There shall be no order as to costs.

(M.S., J.) (K.R.S., J.)
12.12.2024

Index : Yes/No
NC : Yes/No
cad



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and

K. RAJASEKAR, J.

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