



W.P.(MD) No.20030 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.20030 of 2024

R.Vasudevan

... Petitioner

-VS-

1.The Project Director,
State Highways Department,
Alagarkovil Road,
Thamaraithotti,
K.Pudur,
Madurai.

2.The Divisional Engineer,
State Highways Department,
Bungalor Medu,
Theni.

3.The District Revenue Officer,
Theni District,
Theni.

4.Muthukumar

5.Thavamani

6.The Tahsildar,
Theni Taluk,
Theni District.

... Respondents



W.P.(MD) No.20030 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to remove the encroachments made by the respondents 4 and 5 herein in S.Nos.133/2 and 7/4 in State Highway Road in Veerapandi Village, Theni Taluk, Theni District.

For Petitioners :Mr.P.Sivachandran

For R-1 to R-3 & R-6 :Mr.S.P.Maharajan,
Special Government Pleader

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.S.P.Maharajan, learned Special Government Pleader takes notice for respondents 1 to 3.

2. This writ petition is filed to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to remove the encroachments made by respondents 4 and 5 herein in S.Nos.133/2 and 7/4 in State Highway Road in Veerapandi Village, Theni Taluk, Theni District.



W.P.(MD) No.20030 of 2024

3. It is seen that the Assistant Engineer, Construction and Maintenance Wing, Highways Department, Theni, has addressed the Tahsildar, Theni Taluk, seeking survey of the land which has been allotted to the Highways Department on 25.07.2024.

4. The learned Special Government Pleader appearing for the respondents 1 to 3, would submit that the report of the Tahsildar is awaited.

5. We find that the Tahsildar, Theni Taluk, has not been impleaded as a party in this writ petition. Considering the fact that the encroachment is alleged over a Highway, the Tahsildar, Theni Taluk, Theni District, is *suo motu* impleaded as a party in this writ petition and ranked as the sixth respondent.

6. Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the sixth respondent also. Since we are not passing any adverse orders in this writ petition, notice to the newly added sixth respondent is deemed unnecessary.



W.P.(MD) No.20030 of 2024

7. The Tahsildar, Theni Taluk, Theni District, is directed to survey the area in question and furnish the particulars of encroachment if any on the land allotted to the Highways Department within a period of two months from the date of receipt of a copy of this order. If the Tahsildar's report discloses any encroachment, the Highways Department will take action under Section 28 of the Tamil Nadu Highways Act, 2001, to remove the encroachment within a period of four months therefrom.

8. This writ petition is disposed of with the above directions.
No Costs.

[R.S.M., J.]

[L.V.G., J.]

21.08.2024

NCC : Yes/ No
Index : Yes/No
Internet : Yes
PM



W.P.(MD) No.20030 of 2024

To:
WEB COPY

- 1.The Project Director,
State Highways Department, Alagarkovil Road,
Thamaraithotti, K.Pudur, Madurai.
- 2.The Divisional Engineer,
State Highways Department, Bungalor Medu,
Theni.
- 3.The District Revenue Officer, Theni District,
Theni.
- 4.The Tahsildar,
Theni Taluk,
Theni District.



WEB COPY



W.P.(MD) No.20030 of 2024

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

pm

W.P.(MD) No.20030 of 2024

21.08.2024