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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 22.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN**
**and**
**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

W.P(MD)No.22382 of 2024
and
W.M.P(MD)Nos.18960 & 18961 of 2024

P.Velraj ... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Block Development Officer,
Thirupparankumdram,
Madurai District.

3.The Commissioner,
Thirupparankundram Panchayat Union,
Madurai District.

4.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Race Course Road,
K.Pudur, Madurai.

5.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Thirupparankumdram,
Madurai District. .. Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to

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issue a Writ of Mandamus forbearing the respondents 1 to 3 from dispossessing the petitioner from the Shop No.3, Thiruparankundram Panchayat Union Shopping Complex, Madurai District without following the due process of law and consequently directing the respondents 4 and 5 to restore the supply of electricity under Service Connection No. 05-051-021-323 immediately.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.SRA.Ramachandran
Additional Government Pleader
for R1

: Mr.P.Veerakathiravan
Additional Advocate General
Assisted by
Mr.P.T.Thiraviyam
Government Advocate
for R2 & R3

:Mr.S.Deenadayalan
for R5 & R6

**ORDER**

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

The petitioner seeks a mandamus forbearing the respondents from dispossessing the petitioner from the Shop No.3, Thiruparankundram Panchayat Union Shopping Complex, Madurai District, without following the due process of law.

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2. According to the petitioner, he has a lease hold right in respect of the shop in question which is situated in the shopping complex constructed by the Thiruparankundram Panchayat Union, Madurai District. All of a sudden, the officials from the said Highways Department disconnected the electricity service connection and an attempt was made to dispossess him which made him to rush this Court with a prayer to mandamus.

3. Mr.Veera Kathiravan, learned Additional Advocate General appears for Mr.P.T.Thiraviam, learned Additional Government Pleader for the second and third respondents. Mr.SRA.Ramachandran, learned counsel appears for the first respondent. Mr.Deenadayalan, learned Standing counsel appears for the fourth and fifth respondents.

4. Mr.P.Veera Kathiravan, learned Additional Advocate General has produced the A-Register of the village which shows that S.No.433 in which the shopping complex situate is classified as a 'Pathai' and the Assistant Divisional Engineer, Highways Department (Construction and Maintenance), has addressed the Block Development Officer, Thirupparankundram, as early as on 14.05.2024 informing him that this

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Panchayat Shopping Complex building is an encroachment of the Highways land and the same needs to be removed. The Commissioner of the Thirupparankumdram Panchayat Union had written a letter to the Tahsildar on 03.09.2024 requiring him to remove the encroachment. The Commissioner has also addressed letters to the lessee/petitioner herein on 04.09.2024 referring to the notice received from the Assistant Divisional Engineer, Highways Department, Construction and Maintenance, dated 14.05.2024. He would however demand arrears of rent from the occupants of the shops. This is a little curious. We do not propose to comment upon the said action of the Commissioner. As already adverted to, the prayer in the writ petition is only for mandamus forbearing the respondents from interfering the petitioner's possession without following the due process of law.

5. The authorities have accepted that the land belongs to the Highways Department and a specific provision has been made in Section 28 of the Tamil Nadu Highways Act for removal of encroachments. Hence, the authorities have to follow the said procedure, and issue notice to the occupier of the shop, petitioner herein, consider his objections, if any received, within seven days time as contemplated under

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Section 28(2) of the Act and proceed further as per law.

6. With the above directions, this Writ Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is dismissed.

**(R.S.M., J.) (S.M., J.)**
**22.10.2024**

NCC : Yes/No
Index : Yes/No
Internet : Yes
PJL

To
1.The District Collector,
Madurai District.

2.The Block Development Officer,
Thirupparankumdram,
Madurai District.

3.The Commissioner,
Thirupparankumdram Panchayat Union,
Madurai District.

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**R.SUBRAMANIAN, J.**
**and**
**SUNDER MOHAN, J.**

PJL

**W.P(MD)No.22382 of 2024**

**22.10.2024**