



W.P(MD)No.14926 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.02.2024

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE G.ILANGO VAN**

W.P(MD)No.14926 of 2016

and

W.M.P(MD)No.4976 of 2017

N.S.Ramaraj

... Petitioner

Vs.

- 1.The Union of India,
Rep. by its Secretary to Government of India,
Department of Road Transport & Highways,
New Delhi.
- 2.The National Highways Authority of India,
G-596, Sector – 10, Dwaraka,
New Delhi – 110075,
represented by its Chairman.
- 3.The Chief General Manager(T) & RO,
National Highways Authority of India,
1/54-28, Butt Road,
St. Thomas Mount, Near Kathipara Junction,
Chennai – 600 016.
- 4.The Project Director,
National Highways Authority of India, PIO,
Plot No.112, Rahamath Nagar,
Near Dr.Poovalingam House,
Tuticorin Road, Palayamkottai,
Tirunelveli – 627 001.



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- 5.The Divisional Engineer,
National Highways,
Tirunelveli.
- 6.The Assistant Divisional Engineer,
National Highways,
Srivilliputhur.
- 7.State of Tamil Nadu,
Rep. by its additional Chief Secretary to Government,
Energy Department,
Secretariat,
Fort St. George, Chennai.
- 8.TANGEDCO,
Rep. by its Chairman cum Managing Director,
10th Floor, NPKRR Maaligai,
144, Anna Salai,
Chennai – 600 002.
- 9.The Chief Engineer,
TANGEDCO,
Maharaja Nagar,
Tirunelveli – 627 011.
- 10.The Superintending Engineer,
TANGEDCO,
Virudhunagar EDC,
65/1, Ramamoorthy Road,
Virudhunagar.
- 11.The Executive Engineer,
TANGEDCO,
Rajapalayam Distribution,
Ponnagaram,
Rajapalayam – 626 117.



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12.The District Collector,
Virudhunagar District.

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13.The Deputy General Manager(Tech)
cum Project Director,
National Highways Authority of India,
(Project Implementation Unit),
No.395/3-1, M.S.Road,
Majestic Colony,
Near Ayyappan Kovil,
Parvathipuram, Nagercoil – 629 003.

14.The Commissioner,
Rajapalayam Municipality,
Rajapalayam.

.. Respondents

(R12 to R14 are Suo Motu impleaded vide Court
Order dated 23.01.2024 in W.P(MD)No.14926 of 2016
by DKKJ and RVJ)

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the respondents 1 to 6 to maintain the stretch of NH-208 passing through Rajapalayam Town without any encroachment and order the respondents 7 to 11 to shift the electricity poles, transformers and wire lines to the margin of the Highway land ensuring free flow of traffic and providing safety to the road users, motorist and general public.

For Petitioner	: Mr.N.Dilip Kumar
For R-1	: Mr.R.Murugappan
For R-5 to R-7 & 12	: Mr.P.Thilak Kumar, Government Pleader
For R-8 to R-11	: Mr.S.Deenadhayalan
For R-2 to R-4	: Mr.Su.Srinivasan



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ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard the learned counsel for the parties.

2. This writ petition is filed in the year 2016 seeking directions against the respondents to maintain the stretch of NH-208 passing through Rajapalayam Town without any encroachment and so also seeks directions to shift the electricity poles, transformers and wire lines to the margin of the Highway land and thereby, ensuring free flow of traffic.

3. The National Highways has filed an affidavit. It states that on 30.01.2024, notices have been issued to the encroachers and the steps are being undertaken to remove the encroachments on the National Highways in question.

4. The National Highways Authority of India has also communicated with the Divisional Engineer, National Highways, Virudhunagar, for inspection and shifting of the Electricity Board utilities and file a detailed report.



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5. We may understand that shifting of electricity poles and lines would not be easy. Thus, the TANGEDCO and the National Highways Authority will have to co-ordinate and take steps for shifting if the same is essential.

6. However, as observed above, the notices have been issued to the encroachers, the authorities shall take the said proceedings for removal of encroachers to its logical end as expeditiously as possible.

7. With these observations, this writ petition stands disposed of.
No Costs. Consequently, connected Miscellaneous Petition is closed.

(S.V.G., CJ.)

(G.I., J.)

26.02.2024

NCC :Yes/No
Index : Yes/No
PM



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- 2.The Assistant Divisional Engineer,
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- 3.The Additional Chief Secretary to Government,State of Tamil Nadu,
Energy Department,
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Fort St. George, Chennai.
- 4.The District Collector,
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THE HON'BLE CHIEF JUSTICE
and
G.ILANGOVA, J.

PM

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