



W.P.(MD) No.25934 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

CORAM:

**THE HONOURABLE MR.K.R.SHRIRAM, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

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V.Perumalsamy

... Petitioner

-VS-

- 1.The District Collector /
Monitoring Committee
District Collector Office
Dindigul
- 2.The Tahsildar
Tahsildar Office
Gujiliamparai Taluk
Dindigul
- 3.The Block Development Officer
Block Development Office
Gujiliamparai Taluk
Dindigul
- 4.The Assistant Divisional Engineer
Vedasandur Taluk
Dindigul



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5.The Divisional Engineer
Highways Department
Palani

6.The Assistant Executive Engineer
Tamilnadu Electricity Board Office
Kovilur Post
Gujiliamparai Taluk
Dindigul

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents herein to remove the encroachment in the said land comprised in S.Nos.252 and 273, Vembur Village, Gujiliamparai Taluk, Dindigul District, by considering petitioner's representation dated 27.09.2024 within time stipulated by this Court.

For Petitioner : Mr.S.Harish

For Respondents : Mr.P.T.Thiraviyam
Government Advocate for R1 to R5
Mr.S.Deenadhayan for R6

ORDER

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



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Petition alleges that respondents are dragging their feet in removing encroachments along the State Highway in Survey Nos.252 and 273 at Vembur Village, Gujiliamparai Taluk, Dindigul District.

2. It is the petitioner's case that he is in possession of landed property comprised in Survey No.707 and also has a Patta. According to petitioner, the pathway to his shop is blocked by the encroachers, who have built shops.

3. Counsel for respondent Nos.1 to 5 stated that out of the thirteen shops built in the pathway, twelve shops have been demolished. Petitioner says only eleven shops have been removed. Counsel for respondent Nos.1 to 5 states that within one week, the remaining two shops will also be demolished.

4. At this stage, counsel for petitioner states that some of the eleven shops, which were demolished, have been rebuilt.

5. Counsel for respondent Nos.1 to 5 states that if that is the case, respondent Nos.4 and 5 shall, during the course of this week itself, verify the allegation made by petitioner by visiting the site and if the shops demolished



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earlier have been reconstructed, they shall forth demolish those illegally constructed shops as well.

6. We fail to understand if eleven or twelve of the shops have been demolished by the Highways Department for having been constructed illegally, how does the Tamil Nadu Electricity Board, as alleged by petitioner, continues to supply electricity. The Tamil Nadu Electricity Board is also directed to ensure that there is no power supply given to illegally constructed shops.

7. As regards the sole shop, which is yet to be demolished or two shops, as alleged by petitioner yet to be demolished, counsel for respondent Nos. 1 to 5 states that those encroachments will be removed within one week from today. Statements made by counsel for respondent Nos.1 to 5 are accepted as undertaking to this Court by the respective parties.

8. Writ petition is disposed of.

9. We have passed the above order in view of the statement made by counsel for petitioner as well as counsel for respondent Nos.1 to 5 that it is



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already a confirmed position that there are thirteen illegally constructed shops.

Counsel for respondent Nos.1 to 5 states that these were originally demolished after following due process.

10. There shall be no order as to costs.

[K.R.SHRIRAM., C.J.]

[MOHAMMED SHAFFIQ,

J.]

29.10.2024

NCC : Yes / No

Index : Yes / No

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To:

1.The District Collector /
Monitoring Committee,
District Collector Office,
Dindigul.

2.The Tahsildar,
Tahsildar Office,
Gujiliamparai Taluk,
Dindigul.

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- 3.The Block Development Officer,
Block Development Office,
Gujiliamparai Taluk,
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- 4.The Assistant Divisional Engineer,
Vedasandur Taluk,
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- 5.The Divisional Engineer,
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THE HON'BLE CHIEF JUSTICE
and
MOHAMMED SHAFFIQ, J.

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