



WEB COPY

W.P.No. 22115 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2025

CORAM :

THE HON'BLE MR. JUSTICE M. SUNDAR
and
THE HON'BLE MR. JUSTICE R. SAKTHIVEL

W.P. No.22115 of 2025

Sankar Ganesh

Petitioner

vs.

- 1 The District Collector
O/o.The Collector of Chennai
Rajaji Salai
George Town, Chennai 600 001
- 2 The District Revenue Officer
Chennai District
Chennai
- 3 The Revenue Divisional Officer
Ambattur Division/Chennai Central Division
Anna Nagar West Extension
Chennai, Chennai District
- 4 The Tahsildar
Ambattur Taluk
Chennai District
- 5 The Assistant Divisional Engineer (Highways-C & M)
Chennai Corporation Division
Chennai Metropolitan Roads
Saidapet, Chennai 600 015
- 6 S.Ramamoorthi
- 7 Sambandam

Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a writ of mandamus to direct the 1st to 5th
respondents to consider the petitioner's representations dated



08.07.2024, 05.08.2024 and 16.09.2024 and remove the encroachments made by the 6th & 7th respondents situated at Old Survey No.602/7 New Survey No.602/1A IA IA IA IA IA IA Ward B, Block No.9, Town Survey No.49, Redhills Road, Ambattur, Chennai.

For petitioner Mr. K.T.S. Sivakumar
For RR1 to 5 Mr. T.K. Saravanan
 Additional Government Pleader
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ORDER

(made by M. SUNDAR, J.)

Captioned 'writ petition' [hereinafter 'WP' for the sake of brevity] has been filed with a removal of encroachment prayer.

2. Mr. K.T.S. Sivakumar, learned counsel on record for writ petitioner, alleges encroachment in a State Highway.

3. Learned counsel submits that R6 (S. Ramamoorthi, son of Subrayapillai) before us is one of the alleged encroachers, R6 was visited with a notice dated 09.11.2018 [hereinafter 'said notice' for the sake of convenience and clarity] as regards alleged encroachment. Learned counsel further submitted that R6 *inter alia* challenged said notice earlier by way of a writ petition being W.P.No.30853 of 2018 and the same came to be disposed of by another Hon'ble Division Bench in and by order dated 19.02.2024.



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4. A careful perusal of the order of the other Hon'ble Division Bench makes it clear that there is a direction therein treating the said notice as a show cause notice giving opportunity to R6 before us (writ petitioner in that writ petition), continue and conclude the proceedings as per the Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34 of 2002) within a time frame of twelve weeks.

5. Learned counsel for writ petitioner submits that the time frame has elapsed but there is inaction on the part of the official respondents.

6. Considering the facts and circumstances, nature of the matter and the trajectory the matter has taken as regards the case on hand, this Court is of the view that it would be more appropriate for the writ petitioner to file a contempt petition alleging violation of 19.02.2024 order, rather than seeking one more direction from another Hon'ble Division Bench. Writ petitioner before us is not a party to the earlier writ petition but it is open even to a third party to file a contempt petition as contempt petitioner is only an informant. Therefore, we preserve all the rights and contentions of the writ



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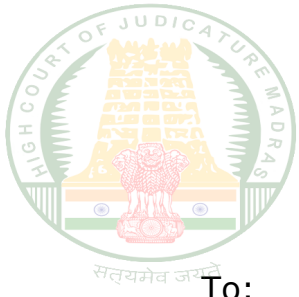


petitioner to file a contempt petition and on that basis, dispose of the captioned WP as closed. There shall be no order as to costs.

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(M.S.,J.) (R.S.V.,J.)
20.06.2025

cad
Index : Yes/No
NC : Yes/No



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