



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.01.2025

CORAM:

THE HON'BLE MR. JUSTICE M. SUNDAR
AND
THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No.38678 of 2024

B.Dayalan

Petitioner

vs.

1. The District Collector
Thiruvallur District
2. The Revenue Divisional Officer
Ponneri
Thiruvallur District
3. The Tahsildar
Ponneri
Thiruvallur District
4. The Executive Officer
Naravarikuppam Town Panchayat
Ponneri
Thiruvallur District
5. The Assistant Divisional Engineer
Highways Department
Ambattur
Chennai 600 052
6. Nagoor Meeran

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 5 to remove the encroachment made in front of the petitioner's shop at No.184, GNT Road, Red Hills, Chennai 600 052 within a stipulated period.



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W.P. No.38678 of 2



For petitioner	Mr. S. Parthasarathy
For RR 1 to 3 & 5	Mr. V. Ravi Special Government Pleader
For R4	Mr. S. Arumugam Government Advocate

ORDER

(made by M. SUNDAR, J.)

Captioned 'writ petition' ('WP' for the sake of brevity) pertains to 'land in front of No.184, GNT Road, Red Hills, Chennai 600 052' ('said property' for the sake of clarity and convenience).

2. Mr. S. Parthasarathy, learned counsel for writ petitioner submits that R6 (private respondent) has encroached upon said property, official respondents were petitioned but the same did not evoke any response/action and that has necessitated the filing of captioned main WP.

3. Learned counsel further submits that on 08.02.2024, Divisional Engineer, Thiruvallur Division, Thiruvallur, addressed a communication to R5 (Assistant Divisional Engineer, Highways Department, Ambattur) requiring the latter to take action on the writ petitioner's representation dated 05.02.2024 and to keep him posted of the action so taken. Pursuant thereto, no action has been



forthcoming from the side of the official respondents is learn...
counsel's further say.

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4. Issue notice to official respondents.

5. Mr. V. Ravi, learned Special Government Pleader, accepts notice for RR 1 to 3 and 5. Mr. S. Arumugam, learned Government Advocate, accepts notice for R4.

6. Mr. V. Ravi, learned State counsel, submits that survey of said property has not been done and that the matter pertains to a State Highway governed by 'Tamil Nadu Highways Act, 2001' (for clarity and convenience 'T.N. Highways Act')

7. In the light of the narrative thus far, we deem it appropriate to write that the official respondent concerned shall survey the said property within a period of three weeks from today, *i.e.*, by 23.01.2025, after putting on notice writ petitioner as well as private respondent - R6 (in their presence or in the presence of their representatives). If no encroachment and/or unauthorised business/construction is found, that would be the end of the matter but if encroachment/s is/are found, it is imperative that alleged



encroacher (R6) is show caused under Section 28(2)(ii)

T.N.Highways Act and the proviso thereat is strictly adhered to and suitable action commenced and concluded under T.N. Highways Act as expeditiously as the business of the official respondent concerned would permit but in any event, within a period of twelve weeks from today, *i.e.*, by 27.03.2025. We make it clear that all the rights and contentions of private respondent are preserved. This is the safety valve *qua* private respondent and therefore, with the consent of learned counsel on both sides, main WP itself is taken up for final disposal and disposed in the Admission Board.

8. Captioned WP is disposed of in the aforesaid manner.
There shall be no order as to costs.

(M.S., J.) (K.R.S., J.)
02.01.2025

Index : Yes/No
NC : Yes/No
cad



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W.P. No.38678 of 2



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and

K. RAJASEKAR, J.

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