



W.P.(MD) No.4034 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.02.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.4034 of 2025

and

W.M.P.(MD)No.2900 of 2025

K.Maharajan

... Petitioner

-Vs-

- 1.The District Collector,
Office of the District Collector,
Theni-625 531, Theni District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Uthamapalayam Taluk, Theni District.
- 3.The Divisional Engineer,
State Highways Department,
Theni Division, Theni District.
- 4.The Tahsildar,
Uthamapalayam Taluk,
Theni District.
- 5.The Revenue Divisional Officer /
Divisional Monitoring Committee,
Uthamapalayam, Theni District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to remove the illegal encroachments in State Highways SH No.283 in Madurai Kottayam National Highways, starting from Post Office in Cumbum Town to foot hill in Cumbum Mettu in Ward-A, comprised in Survey No.12 in Block No.22 and 33, Survey No. 13 in Block No.33, Survey No.1 in Block No.24, Survey No.21 in Block No.28, Survey No.29 in Block No.36, Survey No.57 in Block No.12 in Cumbum Municipality, Uthamapalayam Taluk, Theni District, to submit a report within a reasonable time and consequently, to direct the respondents herein to maintain the State Highways SH No.283 free from any encroachment.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.P.Thilak Kumar,
Government Pleader

ORDER

[Order of the Court was made by *J.NISHA BANU, J.*]

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.It is the case of the petitioner that there are some illegal encroachments in State Highways SH No.283 in Madurai Kottayam National



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Highways, starting from Post Office in Cumbum Town to foot hill in Cumbum Mettu in Ward-A, comprised in Survey No.12 in Block Nos.22 and 33, Survey No.13 in Block No.33, Survey No.1 in Block No.24, Survey No.21 in Block No.28, Survey No.29 in Block No.36, Survey No.57 in Block No.12 in Cumbum Municipality, Uthamapalayam Taluk, Theni District. Therefore, pointing out the same, the petitioner has sent a representation to the respondents on 21.11.2024. Since the same has not been considered so far, the petitioner has filed this Writ Petition seeking a direction to the respondents to remove the encroachments, submit a report and to maintain the State Highways SH No.283 free from any encroachment.

3.Mr.P.Thilak Kumar, learned Government Pleader, who takes notice on behalf of the respondents, submits that the representation of the petitioner would be considered and appropriate orders would be passed on its own merits within a period that may be stipulated by this Court.

4.Considering the limited scope of the prayer sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner either in the representation or in the affidavit filed in support of this Writ Petition, we direct the respondents to consider the representation of the



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petitioner dated 21.11.2024 and pass appropriate orders on its own merits and in accordance with law and if there is any encroachment as alleged by the petitioner, the same would be removed, after giving sufficient opportunity of hearing to all the parties concerned. Such an exercise is directed to be completed within a period of twelve [12] weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] & [S.S.Y., J.]
17.02.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

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State Highways Department,
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4.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

5.The Revenue Divisional Officer /
Divisional Monitoring Committee,
Uthamapalayam, Theni District.



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