



W.P.(MD) No.8251 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

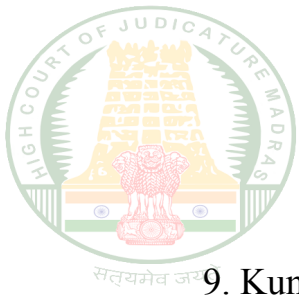
W.P.(MD) No.8251 of 2025

A.Ramachandran

Vs.

... Petitioner

1. The Commissioner of Police,
Tirunelveli.
2. The Assistant Commissioner of Police,
Palayamkottai,
Tirunelveli.
3. The Inspector of Police,
Palayamkottai,
Tirunelveli.
4. The Inspector of Police,
Tirunelveli Medical College Police Station,
Maharaja Nagar,
Tirunelveli.
5. S.Raja
6. F.Benjamin Rodrigo
7. Rahini Moraes
8. Bella Rayen



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9. Kumar Joseph Rodrigo

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(Respondents 6 to 9 are represented by their power agent 5th respondent)

... Respondents

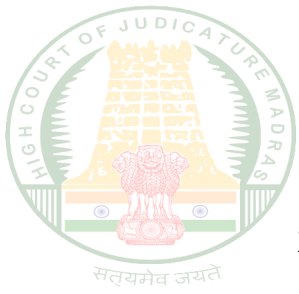
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 3 and 4 not to prevent the petitioner from removing the encroachment as per notice issued by the Highways Authority in pursuant to the direction of this Honourable Court in W.P.(MD).No.899 of 2024 by interfering with the civil dispute as detailed in the representation of the petitioner dated 25.01.2025.

For Petitioner : Mr. H.Arumugam

For R1 to R4 : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl. Side)

ORDER

This writ petition has been filed by the petitioner to direct the respondents no.3 and 4 not to prevent the petitioner from removing the encroachment as per notice issued by the Highways Authority in pursuant to the direction of this Court in W.P.(MD).No.899 of 2024 by considering the representation of the petitioner dated 25.01.2025.

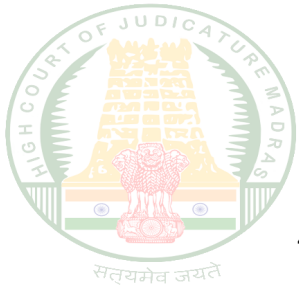


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2. According to the petitioner, he is the owner of the property in T.S.No.86/1, Old S.No.8/4P, Palayamkottai Taluk, Tirunelveli District and he already constructed a building in the property and thereafter, the Highway Authority has issued notice to the petitioner alleging that the petitioner has encroached some portion and constructed building. Thereafter, this Division Bench of this Court in W.P.No.899 of 2024 passed an order by directing the Survey Authorities to conduct survey and demarcate the boundaries belongs to the National Highways Authorities in the presence of the parties concerned and they also surveyed the land and earmarked the portion of the property encroached. To that effect, notice was also issued by the concerned Authorities and now based on the notice, the petitioner has prepared to demolish the encroached portion. Now the respondents no.3 and 4 are preventing the petitioner from demolishing the above said portion. Therefore, he has filed this petition.

3. The learned Additional Public Prosecutor (Criminal Side) appearing for the respondents no.1 to 4 would submit that the respondents no.3 and 4 have never prevented the petitioner from removing the encroachment as alleged by the petitioner.



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4. Considering the prayer sought for in the petition, this Court without even issuing notice to the private respondents no.5 and 9 inclined to dispose of the petition by recording the above said submissions of the learned Additional Public Prosecutor that the respondents no.3 and 4 have never prevented the petitioner from removing the encroachment. In view of the same, this writ petition is disposed of. No costs.

25.03.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
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3. The Inspector of Police,
Palayamkottai,
Tirunelveli.
4. The Inspector of Police,
Tirunelveli Medical College Police Station,
Maharaja Nagar,
Tirunelveli.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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