

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2015

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.P.No.15127 of 2015
and
M.P.No.1 of 2015

A.Liyakat Ali Khan .. Petitioner

Vs.

1.The District Collector,
Salem District, Salem.

2.The Chief General Manager (Tech)
and Regional Office,
Chennai Region, National Highways
Authority of India,
No.1/54-28, Butt Road,
St. Thomas Mount, Chennai.

3.Project Director,
National Highways Authority of
India, PIU, Salem. ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records of the third respondent dated 22.04.2015 and quash the same and direct the third respondent to conduct proper enquiry based on the petitioner's representation dated 13.05.2015.

For Petitioner .. Mr.M.Selvam

For Respondents .. Mr.N.Sakthivel,
Govt. Advocate for R1
R2 & R3 - No appearance

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

Heard the learned counsel appearing for the petitioner and

the learned Government Advocate appearing for the first respondent. Despite service of notice, none appeared on behalf of respondents 2 and 3.

2.Assailing the notice of the third respondent dated 22 April 2015 issued under Sub-section (2) of Section 26 of The Contract of National Highways (Land and Traffic) Act, 2002, the petitioner has come up with this writ petition.

3.According to the learned counsel appearing for the petitioner, the land in question was settled in favour of the petitioner vide settlement deed dated 21 April 1999 and the petitioner is in possession of the same. While so, the impugned notice has been issued calling upon the petitioner to remove the alleged unauthorised occupation within seven days from the date of service of notice, without affording an opportunity of hearing to him. Pursuant to the notice, the petitioner has made a representation dated 13 May 2015 justifying his occupation, which according to him, is lawful. At this stage, we are not inclined to adjudicate upon the dispute.

4.Since the petitioner has already made a representation, pursuant to the impugned notice, we direct the second and third respondents to consider the said representation dated 13 May 2015, on its own merits and take a fresh decision, adverting to all the objections raised by the petitioner, as expeditiously as possible. Till a fresh decision is taken by respondents 2 and 3 and appropriate order is passed, status quo as obtained today shall be maintained.

5.With the above direction, the writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

mmi

To

1.The District Collector,
Salem District, Salem.

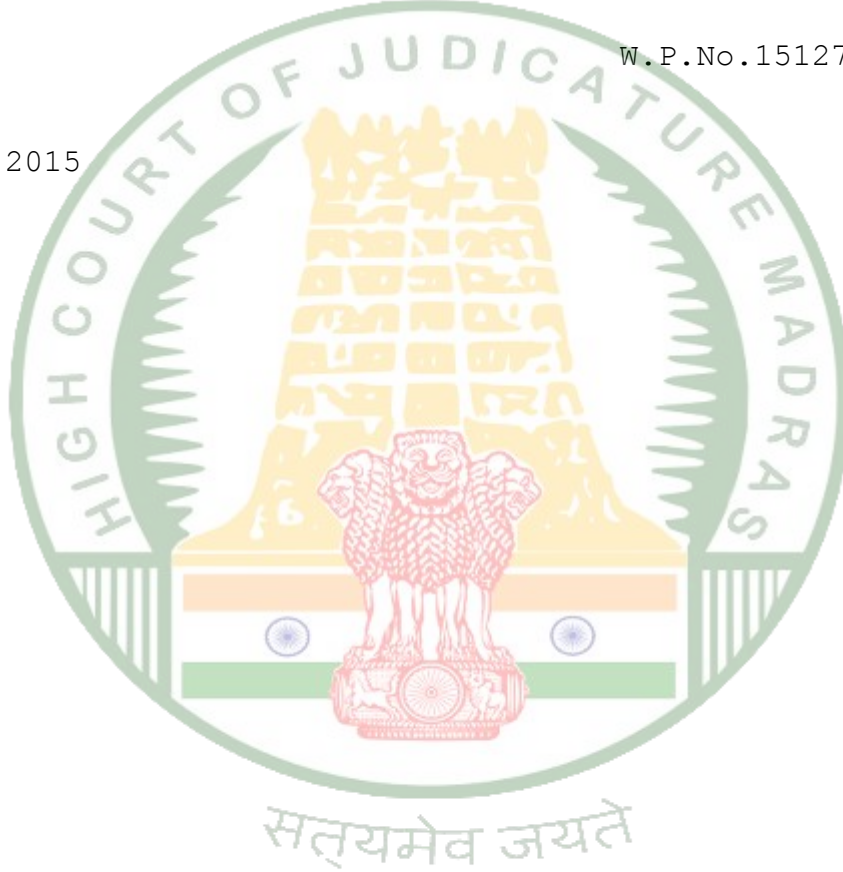
2.The Chief General Manager (Tech)
and Regional Office,
Chennai Region, National Highways
Authority of India,
No.1/54-28, Butt Road,
St. Thomas Mount, Chennai.

3.The Project Director,
National Highways Authority of
India, PIU, Salem.

+1 cc to Mr.M.Selvam, Advocate, sr.65376

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