

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE DR.JUSTICE P. DEVADASS

W.P.No.38938 of 2015

Aadvin Hotel (P) Limited,
24-A, By-pass Road,
Kodumudi 638 151,
Erode District,
represented by its Director,
Mr. Sanjay Kumar Gupta

..Petitioner

Vs.

The Senior Section Engineer/P. Way,
Southern Railway,
Karur West.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for records of the respondent in letter No.W/KRR/14 dated 12.11.2015, quash the same and consequently, direct the respondent to follow the due process of law prior to taking the threatened action as per the letter dated 12.11.2015.

For petitioner : Mr. S.R. Rajagopal

For respondent : Mr. P.T. Ramkumar

O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.T. Ramkumar, learned counsel, accepts notice for the respondent. With the consent of the learned counsel for the parties, this writ petition is taken up for final disposal, at the admission stage itself.

2. Questioning the legality of the letter dated 12 November, 2015 issued by the respondent, whereunder, the petitioner has been asked to vacate the Railway land within 30 days, the petitioner company has come up with this writ petition.

3. According to the learned counsel for the petitioner company, the petitioner company is the lawful owner of the property in question. It has not caused any encroachment on the Railway land.

4. Be that as it may, on a perusal of the impugned letter dated 12 November, 2015, it appears that no opportunity was given to the petitioner to put forward its case. But, subsequently, on 21 November, 2015, the petitioner company has submitted its representation.

5. In such view of the matter, we are not inclined to adjudicate the dispute, at this stage. However, we direct the Railway authorities to consider the petitioner's representation dated 21 November, 2015 and afford an opportunity of personal hearing to the petitioner company before taking any consequential action, in accordance with law and on its own merits.

This writ petition stands disposed of with the above direction. No costs. Connected miscellaneous petition is closed.
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Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To

The Senior Section Engineer/P. Way,
Southern Railway,
Karur West.

+1 cc to S.R.Rajagopal Advocate sr.18306(30.12.2015)

सत्यमेव जयते

W.P.No.38938 of 2015

GK(CO)

sd : 28/12/2015

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