

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2015

CORAM

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

W.P.No.39941 of 2015

M.Manickaraj

... Petitioner

Vs.

The Assistant Divisional Engineer,
Highways (Construction and
Maintenance),
(Near Mangammappettai),
Arakkonam, Vellore District.

... Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondent to consider and pass orders on the petitioner's representation dated 30.11.2015 after providing the petitioner a personal hearing.

For Petitioner : Mr.G.Jeremiah

For Respondent : Mrs.A.Srijayanthi,
Special Government Pleader

ORDER

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

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the respondent. With the consent of learned counsel for the parties, the writ petitions are taken up for final disposal, at the admission stage itself.

2. Petitioner has filed the present writ petition seeking a direction to the respondent to consider and pass orders on his representation dated 30 November 2015 after providing an opportunity of personal hearing to him.

3. Learned counsel for the petitioner submits that pursuant to the final notice dated 02 November 2015 issued by the respondent under section 28(2) II of the Tamil Nadu Highways Act, 2001 (for short " the Act"), the petitioner has made a representation dated 28 November 2015 with a request for personal hearing to place his case. But, there is no response.

4. Ms.A.Srijayanthi, learned Special Government Pleader appearing for the respondents denying the submissions made by the learned counsel for the petitioner submits that a representation is made belatedly. The petitioner, without awaiting for the response, had rushed to this Court for a direction to consider his representation and also to afford an opportunity of personal hearing.

5. Be that as it may, since no consequential order has been passed on the aforestated representation dated 30 November, 2015, the authorities are directed to consider the said representation and also give personal hearing before taking a final decision and consequential action.

6. This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ra/mmi

To

The Assistant Divisional Engineer,
Highways (Construction and
Maintenance),
(Near Mangammappettai),
Arakkonam, Vellore District.

+1cc to Mr.G.Jeremiah, Advocate, S.R.No.69550

+1cc to the Government Pleader, S.R.No.68837

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TEJ(CO)

CA(05/01/2016)