

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.9063 of 2015 and M.P. Nos.1 & 2 of 2015

Parry Agro Industries Ltd.
represented by its Manager
Personnel & Industrial Relations &
Power of Attorney
Mr.S. Bala Gangathara Thilagar
Carolyn Estate
Mango Range Post
Pandalur Taluk
The Nilgiris 643 220

Petitioner

vs.

1 The Tahsildar
Pandalur Taluk
The Nilgiris

2 The Assistant Divisional Engineer (H)
Highways Department
(C & M) Gudalur
The Nilgiris

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records of the first respondent in Lr.No.A1/4786/2003/dt. 02.02.2015 and consequential order of the second respondent bearing no.Nil dated 19.03.2015 and quash the same.

For petitioner Mr. S.D. Venkateswaran
for Mr. A.U. Ilango

For respondents Mr. N. Sakthivel
Government Advocate

ORDER

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

With the consent of the learned counsel on either side, this writ petition is taken up for final disposal at the admission stage itself.

2 The petitioner, claiming to be the occupant of the land in question, has come up with the instant writ petition, seeking a writ of certiorari to quash the order dated 02.02.2015 and also the consequential order dated 19.03.2015, primarily on the ground that the authorities have not considered its detailed objection, which was filed pursuant to the order dated 20.11.2014 passed by a Division Bench of this Court in W.P. No.28002 of 2015.

3 Mr. N. Sakthivel, learned Government Advocate, appearing for the respondents, submits that if the petitioner is aggrieved by the orders impugned, there is a statutory appeal provision and the petitioner may very well take recourse to the same.

4 We have considered the submissions made by the learned counsel for the parties and also perused the documents and pleadings appended thereto.

5 From a perusal of the documents available before us, we find that the petitioner has earlier filed a writ petition against the order dated 01.10.2014 passed by the second respondent herein, in W.P. No.28002 of 2014 and this Court, after hearing both the parties, has passed the following order:

"5. Since the petitioner has not given any objection/explanation to the proposed eviction for encroachment, the petitioner is given three weeks' time to submit objections for the removal of encroachment and on receipt of the same, the appropriate authority is directed to consider the same and pass orders in accordance with law, within a period of four weeks therefrom. Till orders are passed, status quo as on today shall be maintained."

6 We further notice that, thereafter, a detailed representation dated 31.12.2014 was sent by the petitioner to the authorities. The authorities have passed the impugned orders dated 02.02.2015 and 19.03.2015, in a casual and laconic manner, without adverting to all of the objections raised by the petitioner. Needless to state that the petitioner has also raised objections in respect of jurisdiction.

7 We are, therefore, of the considered view that the orders sought to be impugned in this writ petition be set aside with liberty to the authorities to pass a reasoned fresh order, advertent to all the objections, as aforesaid, raised by the petitioner, as early as possible, preferably, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that till such a fresh order is passed, no action as required is to be taken.

8 The writ petition stands disposed of with the above observations. No costs. Connected Miscellaneous Petitions are closed.

cad

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1 The Tahsildar
Highways Department
(C & M) Gudalur
The Nilgiris

2 The Assistant Divisional Engineer (H)
Highways Department
(C & M) Gudalur
The Nilgiris

+ 1 cc to the Government Pleader, High Court, Madras SR 17831

+ 1 cc to M/s.A.U.Elango, Advocate SR 17841

ppa (co)
prk13/4

W.P. No.9063 of 2015

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