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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.5589 of 2014

Kulandaivel @ Muruganandam

... Petitioner

Vs.

1.The Assistant Executive Engineer,
Construction and Maintenance,
Highways Department,
Madurai 2.

2.The Divisional Engineer,
National Highways Department,
37, Prasath Road, Narimedu,
Madurai 2.

3.Baskaran

4.Sivakumar

5.Nagarajan

6.Thirumalai

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the entire records of the 2nd respondent in Ka.No.1/2014/E.Ni.Tho.A/AAkiramippu /dated 20.3.2014 and quash the same and consequently forbearing the 1st and 2nd respondents on their men from in any way interfering with the peaceful possession and enjoyment of the properties of the petitioner by demolishing the building and property of the petitioner at Door no.48 Madurai Thirupparankundram Road (TPK Road) Vasantha Nagar Madurai-3.

For Petitioner

: Mr.R.Devaraj

For Respondents 1&2

: Mr.V.R.Shanmuganathan,
Special Government Pleader.

For Respondents 4&5

: Mr.S.M.A.Jinnah

For 6th Respondent

: Mr.B.Dhanasekar

For 3rd Respondent

: No appearance

ORDER



The main grievance of the petitioner appears to be that the notice issued by the second respondent dated 20.03.2014 stating that the building of the petitioner alleged to be encroached on the highway should be removed.

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2. According to the petitioner, he has given reply for the said notice in this regard. But there is an acknowledgement for having received the same by the official respondents.

3. In view of the above, without going into the merits of the petitioner's claim, the second respondent is directed to consider the reply given by the petitioner on 25.03.2014 on its own merit and in accordance with law. If any third party will be affected by the nature of the relief sought for by the petitioner or by any order to be passed, the authority shall hear such person to avoid the allegations of violation of principles of natural justice. It is made clear that this Court has not expressed any opinion on the merits of the case and the authority concerned is free to deal with the matter on its own merit as per law.

4. The writ petition is disposed of as above. No costs. Consequently, M.P(MD)Nos.1, 3,4 and 5 of 2014 are closed.

Sd/-
Assistant Registrar(Writ)

/True Copy/

Sub Assistant Registrar/

To

1. The Assistant Executive Engineer,
Construction and Maintenance,
Highways Department, Madurai 2.

2. The Divisional Engineer,
National Highways Department,
37, Prasath Road, Narimedu, Madurai 2.

+1 to MR.R.Alagumani, Advocate Sr.No 47405

+1cc to M/SPL.GOV.T.PLEADER, Sr.No 47149

+1 +1cc to MR.Devaraj, Advocate Sr.No 46644

sms

JAM/JGB&DP/SAR-I/26.8.15/2P-6C

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