

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.05.2016

CORAM:

The Hon'ble Mr.Justice K.K.SASIDHARAN
and
The Hon'ble Dr.Justice S.VIMALA

W.P.Nos.17335 to 17339 of 2016 and
W.M.P.Nos.14810 to 14814 of 2016

K.Ganesan	..Petitioner in W.P.No.17335 of 2016
S.Balaraman	..Petitioner in W.P.No.17336 of 2016
V.Selvakani	..Petitioner in W.P.No.17337 of 2016
A.Sankar	..Petitioner in W.P.No.17338 of 2016
G.Jebamani	..Petitioner in W.P.No.17339 of 2016

Vs.

The Assistant Divisional
Engineer (Highways)
Construction and Maintenance,
Tambaram Sub Division,
Office of the Construction
and Maintenance, Tambaram,
Chennai - 600 042 ..Respondent in all the Petitions

Prayer: Writ Petitions filed under Article 226 of the
Constitution of India for a Writ of Certiorari to call for the
records pertaining to the Impugned Notice in Nos.149/2016-
224/Medavakkam/E.Va.Tho.A;149/2016-221/Medavakkam/E.Va.Tho.A ;
149/2016-229/Medavakkam/ E.Va. Tho.A; 149/2016-
228/Medavakkam/E.Va.Tho.A; 149/2016-223/Medavakkam/E.VA.Tho.A
respectively dated 26.02.2016 on the file of the respondent
and quash the same in respect of the petitioners.

For Petitioners: Mr.V.Ramana Reddy
For Respondent: Mrs.Srijayanthi
Special Government Pleader

C O M M O N O R D E R

[Order of the Court was delivered by
[K.K.SASIDHARAN, J.]

By consent, the Writ Petitions are taken up for final
disposal during the time of admission.

2. Heard the learned counsel for the petitioners and the
learned Special Government Pleader on behalf of the
respondent.

3. The respondent issued the impugned order dated 26.02.2016 directing the respective petitioners to remove the encroachments within a period of seven days. Since notice was not issued before passing such a drastic order, the petitioners have come up with the present Writ Petitions.

4. The impugned order does not contain any indication that show cause notice was issued to the respective petitioners before passing an order of eviction.

5. We are therefore of the view that appropriate orders should be passed to protect the interest of both parties.

6. The impugned notice is treated as a show cause notice. The petitioners in the respective writ petitions are given two weeks' time to submit their objections to the notice dated 26.02.2016.

7. The respondent is directed to consider the objections and pass appropriate orders on merits and as per law. Status quo as on today shall be preserved till the disposal of the matter by the respondent.

The Writ Petitions are disposed with the above directions. Consequently connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssd/svki

To

The Assistant Divisional Engineer (Highways)
Construction and Maintenance,
Tambaram Sub Division,
Office of the Construction and Maintenance,
Tambaram,
Chennai - 600 042

5 ccs to M/s. Ramana Reddy, Advocate, Sr. 28189 to 28193
(10/05/2016)

W.P.Nos.17335 to 17339 of 2016 and
W.M.P.Nos.14810 to 14814 of 2016

KK(CO)

En 06.05.16

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