

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.17604 of 2016
and WMP.No.15090 of 2016

H.D.Bose @ Danisukumar

...Petitioner

Vs.

1 State of Tamil Nadu
Rep. by the Commissioner and Secretary
Transport Department
Fort St. George
Secretariat, Chennai-600 009.

2 The District Collector
Kancheepuram District
Kancheepuram.

3 The Special Tahsildar
Land Acquisition
M.M.B.D. Schemes
Saidapet
Chennai-600 015.

4 The Divisional Engineer
Highways Department
Chennai Corporation Road Division
Chennai-600015.

5 The Divisional Engineer
Highways Department
Chennai Metropolitan Development Scheme
Division IV, Chennai-600 016.

6 The Assistant Divisional Engineer
Highways Department
Building and Maintenance Office
Tambaram Sub Division
Chennai-600 042

...Respondents.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for records in further proceedings pursuant to the Notice in Ref. No.149/2016-225/Medavakkam /E.Va.Tho.Aa./ dated 26.02.2016 on the file of the Sixth Respondent.

For Petitioner : Mr.V.Ramana Reddy

For Respondents : Mrs.Sree Jeyanthi, Spl.G.P

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH,J.)

The petitioner is before this court seeking to quash the proceedings pursuant to the Notice in Ref.No.149/2016-225/Medavakkam/E.Va.Tho.Aa/ dated 26.02.2016 on the file of the 6th respondent.

2. The grievance of the petitioner is that before issuing the impugned notice dated 26.02.2016 asking him to remove the encroachments within 7 days of the notice, no show cause notice was issued to him.

3. The learned counsel for the petitioner further submitted that in similar facts and circumstances of the case, the vacation Bench of this court passed an order dated 04.05.2016 in W.P.Nos.17335 to 17339 of 2016 to protect the interest of the writ petitioners therein. The learned counsel prayed for passing a similar order in this Writ Petition also.

4. We have perused the order passed by this court in W.P.Nos.17335 to 17339 of 2016 dated 04.05.2016, wherein, in paragraph Nos.6 and 7, it is pointed out as under:-

"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."

5. This Court also directed the respondent therein to preserve status quo till the disposal of the matter.

6. Mrs.A.Sreejayanthi, learned Special Government Pleader, who accepts notice on behalf of the respondents herein, submits that a similar direction may be issued in this Writ Petition also.

7. We have considered the submissions made on either side.

8. Accordingly, we pass the following order:-

The petitioner shall treat the impugned notice dated 26.02.2016 as a show cause notice and submit his objections to the said notice within two weeks from the date of receipt of a copy of this order. Till then, status quo as on today shall be preserved till the disposal of the matter by the respondents. The respondent-authorities shall consider and dispose of the objections filed by the petitioner within one week thereafter, after giving sufficient opportunity to the petitioner. It is needless to state that in the event of the petitioner not complying with the directions stipulated herein, it is for the respondent-authorities to proceed in accordance with law by following due process of law, against illegal encroachments, if any.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

nvsri

To

- 1 The Commissioner and Secretary
Transport Department
Fort St. George
Secretariat
Chennai-600 009.
- 2 The District Collector
Kancheepuram District
Kancheepuram.
- 3 The Special Tahsildar
Land Acquisition
M.M.B.D. Schemes
Saidapet
Chennai-600 015.
- 4 The Divisional Engineer
Highways Department
Chennai Corporation Road Division
Chennai-600015.

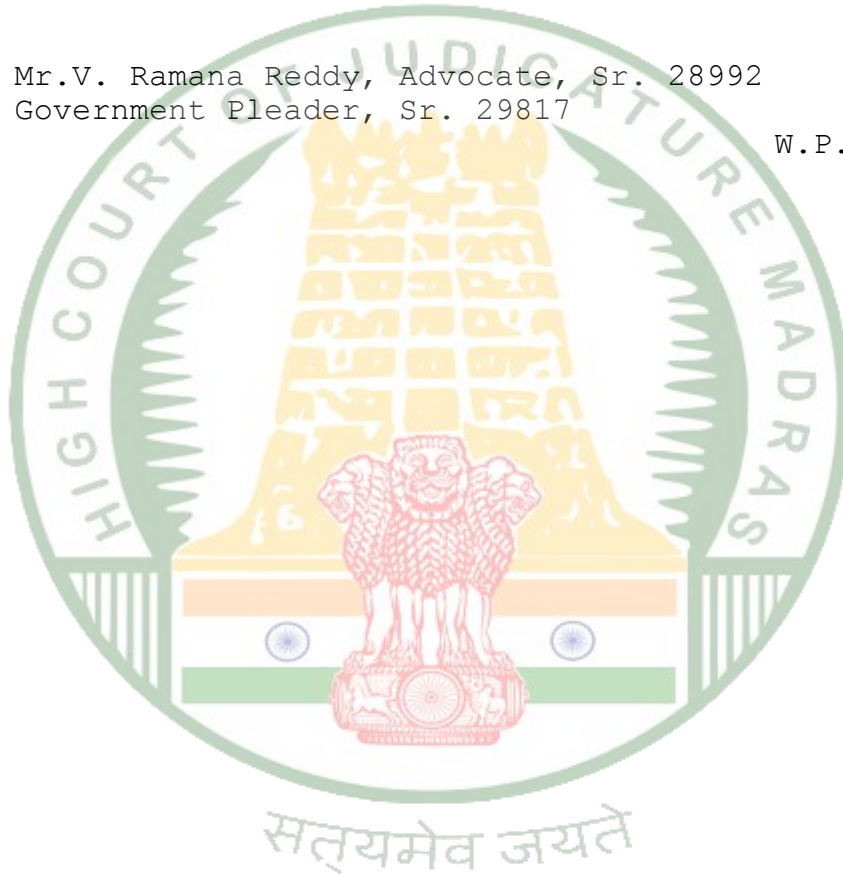
5 The Divisional Engineer
Highways Department
Chennai Metropolitan Development Scheme
Division IV,
Chennai-600 016.

6 The Assistant Divisional Engineer
Highways Department
Building and Maintenance Office
Tambaram Sub Division
Chennai-600 042

1 cc to Mr.V. Ramana Reddy, Advocate, Sr. 28992
1 cc to Government Pleader, Sr. 29817

W.P.No.17604 of 2016

VD (CO)
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