

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 12.05.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.17780 of 2016

and W.M.P.Nos.15462 and 15463 of 2016

A.Ganesan

... Petitioner

Vs.

1. The District Collector,
Kancheepuram District.

2. The Divisional Engineer,
Highways Department,
Chennai Metropolitan Development Project,
Division-IV, Alandur, Chennai - 600 016.

3. The Assistant Divisional Engineer
Highways Department,
Construction and Maintenance Wing
Tambaram Sub Division, Chennai - 42. ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying for a writ of certiorari, filed Mandamus calling for the records pertaining to the impugned notice in No.149/2016-214/Medavakkam/E.Va.Tho.A/ Dated 15.02.2016 in regard to concrete Building and G1 sheets owned by the Petitioner on the file of the third respondent and quash the same and consequently direct the respondents to make proper survey in respect of lands at Velacherry main Road, Medavakkam Village.

For Petitioner : Mr.V.Vijay Shankar

For Respondents : Mr.T.N.Rajagopalan,
Special Government Pleader

ORDER

(Order of the Court was made by N.KIRUBAKARAN, J.)

The petitioner has been issued with the notice dated 15.02.2016, calling upon him to vacate the property viz., Survey No.409, to an extent of 114.75sq.ft., of Medavakkam Village, Irumbuliyur Salai, Tambaram Taluk, Kancheepuram District, as if he has encroached upon the road.

2. Heard Mr.V.Vijay Shankar, learned counsel for the petitioner and Mr.T.N.Rajagopalan, learned Special Government Pleader, appearing for the respondents.

3. On instructions, Mr.T.N.Rajagopalan, learned Special Government Pleader would submit that so far possession has not been taken in respect of the abovementioned property.

4. A perusal of the impugned order would show that straightaway final order has been passed violating the principles of natural justice. Taking into consideration the fact that only in an effort to vacate the encroachers, the notice has been issued, it is appropriate to direct the petitioner to treat the impugned order as a show cause notice and give a reply within three weeks from today. On receipt of such reply, the 3rd respondent viz., the Assistant Divisional Engineer, Highways Department, Construction and Maintenance Wing, Tambaram Sub Division Chennai - 42, is directed to give an opportunity of personal hearing to the petitioner and pass appropriate orders within a period of four weeks, thereafter. Till an order is passed and served upon the petitioner, the petitioner's possession should not be disturbed.

5. With the above directions, the writ petition is disposed of. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ars/vsi

To

1. The District Collector,
Kancheepuram District.

2. The Divisional Engineer,
Highways Department,
Chennai Metropolitan Development Project,
Division-IV, Alandur, Chennai - 600 016.

3. The Assistant Divisional Engineer
Highways Department,
Construction and Maintenance Wing
Tambaram Sub Division, Chennai - 42.

+1 cc to Mr.V.Vijaya Shankar Advocate sr.28228

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