

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.17856 of 2016

and W.M.P.Nos.15543 and 15544 of 2016

K.Munivel

... Petitioner

Vs.

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

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying for a writ of certiorari, calling for the records pertaining to the impugned notice in No.149/2016-231/Medavakkam/E.Va.Tho.A/ Dated 26.02.2016 on the file of the respondent and quash the same in respect of the petitioner.

For Petitioner : Mr.V.Ramana Reddy

For Respondent : 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 26.02.2016, calling upon him to vacate the property viz., Survey No.414/1D, to an extent of 25.81 sq.ft., of Medavakkam Village, Irumbuliur Salai, Tambaram Taluk, Kancheepuram District, as if he has encroached upon the road.

2. Heard Mr.V.Ramana Reddy, learned counsel for the petitioner and Mr.T.N.Rajagopalan, learned Special Government Pleader, appearing for the respondent.

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 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.

Sd/-
Assistant Registrar (VO)

//True Copy//

Sub Assistant Registrar

To

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

+1cc to Mr.V.Ramana Reddy, Advocate sr.28223

W.P.No.17856 of 2016

srg (13/05/2016)