

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.06.2016

CORAM

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

W.P.Nos.18240 to 18247 of 2016

Mr.Ramakrishnan
S/o Nanjappan ..Petitioner in W.P.No.18240 of 2016

Mr.Raja
S/o Munian ..Petitioner in W.P.No.18241 of 2016

Mr.Pazhaniappan
S/o Raja ..Petitioner in W.P.No.18242 of 2016

Mr.Sengodan
S/o Perumal ..Petitioner in W.P.No.18243 of 2016

Mr.Shanmugam
S/o Maran ..Petitioner in W.P.No.18244 of 2016

Mr.Kannauchamy
S/o Seerangan ..Petitioner in W.P.No.18245 of 2016

Mr.Minian
S/o Guruvan ..Petitioner in W.P.No.18246 of 2016

Mr.Gurusamy
S/o Maran ..Petitioner in W.P.No.18247 of 2016

सत्यमेव जयते
-Vs-

1. The Divisional Engineer
Highways Department
Construction and Maintenance Division
Government of Tamil Nadu
Moolapalayam, Erode-2
2. The Asst. Divisional Engineer
Highways Department
Construction and Maintenance Division
Government of Tamil Nadu
Bhavani Taluk, Erode District
..Respondents in all the Writ Petitions

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, forbearing the respondents from initiating any action pursuant to the show cause notices dated 03.05.2016 issued to the petitioners under Sec.28(ii) of the Tamil Nadu Highways Act, 2001 by the second respondent.

For Petitioners :: Mr.S.D.Venkateswaran

For Respondents :: Mrs.A.Srijayanthi
Special Government Pleader

ORDER

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

The petitioners have sought for issuance of a writ of mandamus, forbearing the respondents from initiating any action pursuant to the show cause notices dated 03.05.2016 issued to them under Sec.28(ii) of the Tamil Nadu Highways Act, 2001 by the second respondent.

2. Heard the learned counsel for the petitioners and the learned Special Government Pleader taking notice on behalf of the respondents.

3. The claim of the petitioners is that they are the absolute owners of the buildings bearing (i) Door No.17/6-20, Survey No.12, Talakulam Village, Bhavani Taluk, Erode District; (ii) Survey No.12, Talakulam Village, Bhavani Taluk, Erode District; (iii) Survey No.12, Talakulam Village, Bhavani Taluk, Erode District; (iv) Door No.14, Survey No.12, Talakulam Village, Bhavani Taluk, Erode District; (v) Door No.7, Survey No.12, Talakulam Village, Bhavani Taluk, Erode District; (vi) Door No.6/16, Survey No.12, Talakulam Village, Bhavani Taluk, Erode District; (vii) Survey No.12, Talakulam Village, Bhavani Taluk, Erode District and (viii) Door No.6, Survey No.12, Talakulam Village, Bhavani Taluk, Erode District respectively, and they have also put up superstructures and obtained electricity service connection and paying the statutory levies. However, to their shock and surprise, the second respondent has issued the impugned show cause notices dated 3.5.2016 under Section 28(ii) of the Tamil Nadu Highways Act, 2001 calling upon the petitioners to remove the encroachment, failing which action would be taken to remove the same. Although the petitioners have submitted their detailed representations on 6.5.2016, without adjudicating the same, the respondents are taking steps to dispossess them. Hence they have filed the writ petitions for the relief as stated above.

4. Admittedly the petitioners, on receipt of the show cause notices, have submitted their representations dated 6.5.2016 and the same are yet to be adjudicated by the respondents. In such circumstances, we direct the respondents to consider the representations on merit and pass appropriate orders in accordance with law within a period of three weeks from the date of receipt of a copy of this order. Till such time final orders are passed on the representations, status quo shall be maintained. It is made clear that the petitioners can also appear before the authority concerned, who shall be heard in the matter before passing final orders. With this direction, the writ petitions are disposed of. Consequently, W.M.P.Nos.15971 to 15978 of 2016 are closed. No costs.
ss

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Divisional Engineer
Highways Department
Construction and Maintenance Division
Government of Tamil Nadu
Moolapalayam, Erode-2
2. The Asst. Divisional Engineer
Highways Department
Construction and Maintenance Division
Government of Tamil Nadu
Bhavani Taluk, Erode District

+ 8 ccs to Mr.S.D.Venkateswaran, Advocate Sr 34042

+ 1 cc to The Govt.Pleader, Sr 34955

KR/5/7/16

W.P.Nos.18240 to 18247 of 2016