

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2016

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M.VENUGOPAL

W.P. No.40784 of 2015
and
M.P.No.1 of 2015

S.Rajendran

.. Petitioner

Vs.

The Estate Officer,
Irrigation Division,
Public Works Department,
Puducherry.

.. Respondent

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorari to call for the records of the respondent relating to the letter dated 15.12.2015 vide No.3448/PW/EEI/HD-EO-96(3)/15/547 issued by the respondent and quash the same as illegal.

For Petitioner

.. Mr.J.Suresh

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

Notice to the respondent is dispensed with at this stage, as no adverse order is passed against him in this writ petition. Thus, with the consent of the learned counsel appearing for the petitioner, the writ petition is taken up for final disposal.

2.Impugning the notice dated 15 December 2015, whereunder the petitioner has been directed to clear the site under encroachment, the petitioner has come up with this writ petition.

3.On perusal of the impugned notice, it is manifest that the petitioner has approached this Court earlier, seeking the

same relief in W.P.No.27033 of 2015, which was dismissed on 17 August 2012. Thereagainst, the petitioner has filed a review application being R.A.No.160 of 2012, which was also dismissed on 10 October 2012. Thereafter, the petitioner submitted an undertaking on 07 January 2013 to vacate and clear the encroachment within six months. According to the petitioner, he has already removed the encroachment and cleared the site and for the remaining portion, the instant notice has been issued.

4.Be that as it may, if the entire site was not cleared earlier, notice was rightly issued to clear the entire site under encroachment. There is no merit in the case. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mmi

To

The Estate Officer,
Irrigation Division,
Public Works Department,
Puducherry.

सत्यमेव जयते

W.P.No.40784 of 2015

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