



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

AND

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P. [MD] .No.13367 of 2016

and

W.M.P. (MD) .Nos.10006 and 10948 of 2016

Mr.P.Rama Krishnan

: Petitioner

Vs.

The Assistant Engineer,
Public Works Department,
Water Resource Organization,
Vedakulam, Perungudi Village,
Radhapuram Taluk, Tirunelveli 627 116,
Tirunelveli District.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Ko.No.15/155/2016, dated 16.07.2016, on the file of the respondent and quash the same as illegal and for a consequential direction forbearing the respondent from evicting the petitioner's shop named Krishna Broilers to an extent of 100 square feet at Chidamparapuram, Radhapuram Taluk, Tirunelveli District, without following the due process of law.

For Petitioner : Mr.S.Rajasekar

For Respondent : Mr.S.Chandrasekar
Government Advocate

O R D E R

[Order of the Court was made by **M.V.MURALIDARAN, J.**]

Challenging the order dated 16.07.2016, in and by which the petitioner has been directed to remove the encroachment made by him, he has come up with this Writ Petition, on the ground that without giving notice, such an order has been passed.

2. The learned counsel for the petitioner, in support of his contentions, makes reliance on an order of this Court in **T.S.Senthilkumar Vs.Government of Tamil Nadu**, reported in 2010 (3) MLJ 771.



3. Having regard to the fact that the petitioner was not given any opportunity whatsoever before the impugned notice was issued, we only direct the petitioner to submit his explanation/objections to the said notice, treating the same as show cause notice, within a period of 21 days from today, along with a copy of this order. On receipt of such explanation/objections, along with a copy of the order of this Court, the respondent shall consider the same and pass orders, on merits and in accordance with law, within a period of eight weeks thereafter. Till such time final orders are passed, the possession of the petitioner shall not be disturbed. It is made clear that if the petitioner fails to make his explanation/submissions, along with a copy of this order, within the time stipulated above, the respondent is at liberty to proceed with the impugned notice, in accordance with law.

4. The Writ Petition is disposed of, with the above observation and direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

The Assistant Engineer,
Public Works Department, Water Resource Organization,
Vedakulam, Perungudi Village, Radhapuram Taluk,
Tirunelveli 627 116, Tirunelveli District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.71118

ORDER MADE IN
W.P. [MD].No.13367 of 2016
21.11.2016

NB

SH/SKS-RR:08.12.2016:2P/3C