



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
and
THE HONOURABLE MRS. JUSTICE J. NISHA BANU

W.P. (MD) No. 23620 of 2016
and W.M.P. (MD) No. 16982 of 2016

P. Vardharajan

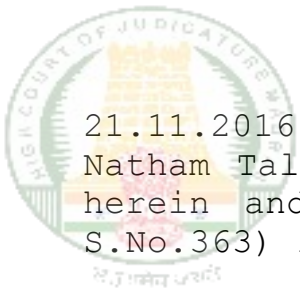
... Petitioner

Vs.

1. The District Collector,
Dindigul District,
Dindigul.
2. The Revenue Divisional Officer,
Dindigul District,
Dindigul.
3. The Tahsildar,
Dindigul East,
Dindigul.
4. The Divisional Engineer,
Highways Department (Construction & Maintenance),
Near R.D.O. Office,
Dindigul.
5. The Assistant Divisional Engineer,
(Construction & Maintenance),
Highways Department,
Natham,
Dindigul District.
6. The Assistant Engineer (Construction & Maintenance),
Natham Taluk Office,
Natham,
Dindigul District.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the eviction notice No.12/2016/u./dated



21.11.2016 of the Assistant Engineer (Construction & Maintenance), Natham Taluk Office, Natham, Dindigul District, the 6th respondent herein and to quash the same in so far as Survey No.845 (Old S.No.363) in Vembarpatty Village.

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For Petitioner :Mr.V.Karuna

For Respondents :Mr.R.Velmurugan
Government Advocate

O R D E R

(Order of this Court was pronounced by M.SATHYANARAYANAN, J.)

By consent the writ petition is taken up for final disposal. Mr.R.Velmurugan, learned Government Advocate accepts notice on behalf of the respondents.

2.The petitioner claims that from the time of his forefathers and by way of succession he is in possession of 5 ½ cents of land with superstructure, in Grama Natham, in New Survey No.845 of Vembarpatty Village, Dindigul Taluk. While so, eviction notice was issued on 18.01.2016 by the 6th respondent for removal of encroachment and therefore, he filed W.P.(MD) No.2342 of 2016 and this Court while disposing of the same has directed that the notice dated 18.01.2016, may be treated as Show Cause Notice and the petitioner's representation shall be considered as representation under the proviso to Section 28(2)(ii) of the Tamil Nadu Highways Act, 2001 and appropriate orders shall be passed within four weeks. Without complying the same, the present impugned notice dated 21.11.2016 has been issued to dispossess the petitioner, despite the fact that O.S.No.551 of 2016 has been filed by him against the respondents 1, 3 and 6 for the relief of permanent injunction, and hence, he came forward to file this Writ Petition.

3.Heard, the learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the materials available on record.

4.Though a larger prayer has been sought for in this Writ Petition, in the light of the above facts and circumstances, the petitioner is permitted to submit a representation along with a copy of his earlier representation dated 28.01.2016, to the third respondent within a period of one week from the date of receipt of a copy of this order and the third respondent on receipt of a the same is directed to consider the same and pass orders on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order and till such time, the



respondents shall defer from further proceedings in pursuant to the impugned memo No.12/2016/u./ dated 21.11.2016.

5. Accordingly, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District,
Dindigul.
2. The Revenue Divisional Officer,
Dindigul District,
Dindigul.
3. The Tahsildar,
Dindigul East,
Dindigul.
4. The Divisional Engineer,
Highways Department (Construction & Maintenance),
Near R.D.O. Office,
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5. The Assistant Divisional Engineer,
(Construction & Maintenance),
Highways Department,
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6. The Assistant Engineer (Construction & Maintenance),
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+1 cc to Special Government Pleader SR.No.79455

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