

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.3.2017

CORAM

THE HONOURABLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.7485 of 2017

and

W.M.P.No.8179 of 2017

Jayaammal

Petitioner

Versus

- 1 The District Collector
District Collector office
Perundurai Main Road
Erode District.
 - 2 The Revenue Divisional Officer
Revenue Divisional Office
Gobichettipalayam Anthiyur (TK)
Erode District.
 - 3 The Assistant Divisional Engineer(HW)
Bhavani Head office Anthiyur (TK)
Erode District.
 - 4 The Tahsildar
Taluk Office Anthiyur (TK) Erode District.
 - 5 The Village Administrative Officer
Gettisamudram Village & Post
Anthiyur (TK) Erode District.
- Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the records pertaining to the show case notice of the 3rd respondent herein passed in Tamil Nadu National Highways

Department 2001 in year rule (Tamil Nadu Government 2002 in year 34 rule) under sec.28.2(ii) dated 27.02.2017 and quash the same.

For petitioner : Mr.K.Gangadharan

For Respondents : Mr.T.N.Rajagopalan, Special Govt. Pleader

ORDER

(Order of the court was made by HULUVADI G.RAMESH, ACJ.)

Heard the learned counsel appearing for the petitioner and Mr.T.N.Rajagopalan, learned Special Government Pleader, who takes notice on behalf of the respondents.

2. The writ petition has been filed seeking issuance of a writ of certiorari to call for the records pertaining to the show case notice of the 3rd respondent herein passed in Tamil Nadu National Highways Department 2001 in year rule (Tamil Nadu Government 2002 in year 34 rule) under sec.28.2(ii) dated 27.02.2017 and quash the same.

3. According to the petitioner, she is residing in the premises in question for many years and now, she is issued with the impugned eviction notice under section 28(2) (ii) of the Tamil Nadu Highways Act, 2002 on the ground that the land belongs to Highways. But, now she is demanding an alternative accommodation to be provided.

4. However, having admitted that it is an encroachment, the petitioner is seeking alternative accommodation which cannot be entertained at this stage without there being a scheme. However, it is for the petitioner to apply for such allotment if any scheme is formed. The petitioner shall hand over the vacant possession to the respondents within one month from the date of receipt of a copy of this order. Till then, no coercive steps shall be taken against the petitioner. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To:

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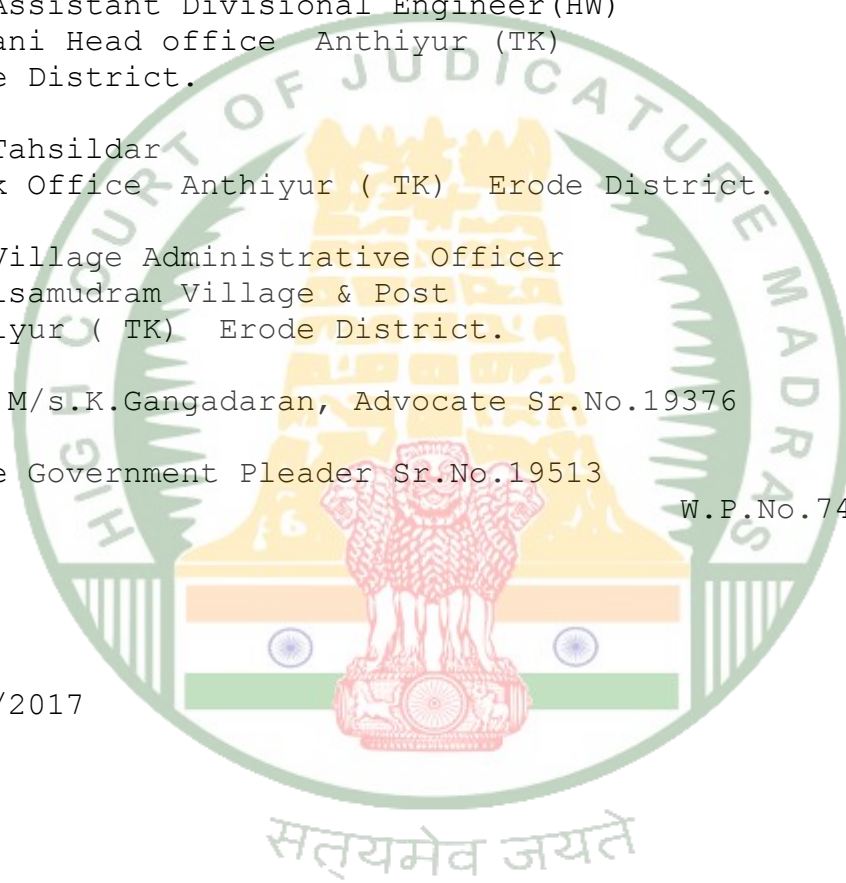
+ 1 cc to M/s.K.Gangadaran, Advocate Sr.No.19376

+ 1 cc The Government Pleader Sr.No.19513

W.P.No.7485 of 2017

SAI (CO)

RRI 19/04/2017



सत्यमेव जयते

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