



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
AND
THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 11006 of 2014
and
M.P. (MD) No. 1 of 2014

K. Karuppanan

.. Petitioner

Vs.

The Assistant Engineer,
(Highways)
Construction and Maintenance,
Dindigul,
Dindigul District.

.. Respondent

PRAYER: 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 impugned order passed by the respondent in his proceedings Na.Ka.No.Encroachment/2014/Vu.Po dated 05.05.2014 and quash the same as illegal and in violation of provisions of Tamil Nadu Highways Act, 2001.

For Petitioner : Mr. B. Saravanan

For Respondent : Mr. T. S. Mohammed Mohideen,
Additional Government Pleader

ORDER

[Order of the Court was made by **G.R. SWAMINATHAN, J.**]

The writ petitioner questions the impugned communication dated 05.05.2014 issued by the respondent herein.

2. The impugned order calling upon the writ petitioner to remove the encroachment has been passed straightaway and it is not preceded by any show cause notice. Therefore, on this sole ground, we quash the impugned order dated 05.05.2014. The matter is remitted back to the file of the respondent to proceed afresh in accordance with law, after giving due notice to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The Writ Petition is allowed to the extent indicated



above. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

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Sub Assistant Registrar

To

The Assistant Engineer,
(Highways)
Construction and Maintenance,
Dindigul,
Dindigul District.

+1cc to Mr.B.Saravanan, Advocate, SR.69206

+1cc to M/S.Special Government Pleader, SR.69725

Order made in
W.P. (MD) No.11006 of 2014

Dated:
31.07.2017

SML/SM

KK/JC/SAR3/08.08.2017/ 2P- 4C