



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.11435 of 2017

and

W.M.P. (MD) .Nos.8791 and 8792 of 2017

K.Veerabathiran

.. Petitioner

Vs.

1.The District Collector,
District Collector's Office,
Trichy-1,
Trichy District.

2.The Assistant Divisional Engineer,
Highways Department,
Musiri,
Trichy District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to second respondent proceedings made in Na.Ka.No.113/2017/A, dated 26.05.2017, quash the same, and further direct the second respondent to follow guidelines issued by Full Bench of this Court reported in 2005 (2) CTC 741.

For petitioner : Mr.R.Sundar
For Respondents : Mr.T.S.Mohamad Mohideen
Additional Government Pleader

O R D E R

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

This writ petition has been filed questioning the order dated 26.05.2017, issued by the second respondent herein, calling upon the writ petitioner to remove the encroachment in question.

2.It is seen from the impugned communication that it is not preceded by any show cause notice. Hence, on the ground of violation of principles of natural justice, we quash the impugned order dated 26.05.2017 and allow this writ petition. The matter is remitted to the file of the 2nd respondent to pass fresh



orders on merits and in accordance with law. No costs.
Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
District Collector's Office,
Trichy-1,
Trichy District.
2. The Assistant Divisional Engineer,
Highways Department,
Musiri,
Trichy District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR.No.65889
+1cc to Mr.R.SUNDAR Advocate in SR. No.65534
RJ2/TSG
JS/GT/SAR.2/2.8.2017/2P-5C

ORDER MADE IN
W.P (MD) No.11435 of 2017
and
W.M.P. (MD) .Nos.8791 and 8792 of 2017
14.07.2017