



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.11.2017**

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.21620 of 2017

and

W.M.P (MD)No.17902 of 2017

Rajanbabu : Petitioner

.vs.

The Assistant Engineer(Projects),
Highways Department,
Division-IV,
Trichy. : Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus directing the Respondent to pass orders on merits in the objection, dated 8.11.2017 submitted by the Petitioner's brother Sridhar to the notice of the Respondent in his proceedings in Ka.No.ROB-LC 279/Oo.Po/dated 6.11.2017 and to follow the due process of law in removing the encroachment, if any.

For Petitioner : Mr.B.Prasanna Vinoth
for M/s.AN.Ramanathan
For Respondent : Mr.M.Govindan
Spl. Govt.Pleader

O R D E R

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

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the Respondent to pass orders on merits in the objection, dated 8.11.2017 submitted by the Petitioner's brother Sridhar to the notice of the Respondent in his proceedings in Ka.No.ROB-LC 279/Oo.Po/,dated 6.11.2017 and to follow the due process of law in removing the encroachment, if any.

2.Heard both sides.

3.By consent, the main Writ Petition itself is taken up for final disposal at the admission stage itself.



4.It is represented on behalf of the Petitioner that order in Letter No.Ka.No.ROB-LC 279/Oo.Po/,dated 21.11.2017 passed by the Respondent in the subject-matter in issue is without considering the Petitioner's reply, dated 08.11.2017.

5.Per contra, it is the submission of the Learned Special Government Pleader appearing for the Respondent that the order dated 26.10.2017 made in W.P(MD)No.19535 of 2017 and W.P(MD) NO.15672 of 2017 has been complied with. But the factum of compliance is not accepted on behalf of the Petitioner.

6.According to the Petitioner, letter, dated 21.11.2017 of the Respondent, addressed to the Petitioner, was posted on 21.11.2017 and till date, the Petitioner has not been served with a copy of the same. Now only, before this Court, the Petitioner's counsel was supplied with the copy of the Letter, dated 21.11.2017 by the Learned Special Government Pleader appearing for the Respondent.

7.Be that as it may, considering the fact that the Respondent has passed necessary orders on 21.11.2017 and also taking note of the yet another pivotal fact that the said letter, which order was received by the Learned Counsel for the Petitioner today(i.e., on 23.11.2017) before this Court, this Court directs the Petitioner to assail the validity, legality and correctness of the contents of the Letter, dated 21.11.2017 before the competent forum, of course, in the manner known to Law and in accordance with Law, if he so desires/advised.

8.With the above said observation(s) and direction(s), the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To
The Assistant Engineer(Projects),
Highways Department,
Division-IV,Trichy.

+ 1 cc TO The Special Government Pleader in SR No. 89660

vsn

AE/KP/SAR2/11.12.2017/2P/3C

ORDER MADE IN
W.P. (MD)No.21620 of 2017
and
W.M. P (MD) No.17902 of 2017
23.11.2017