



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.(MD)No.22562 of 2017
and
W.M.P(MD)No.18856 of 2017

P.Manoj Kumar

: Petitioner

.vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The National Highways Authority of India,
Madurai Zone,
Madurai.

3.The Deputy General Manager - cum - Project Director,
National Highways Authority of India,
Plot No.3, Suriya Towers, II Floor,
1st East Street, K.K.Nagar,
Madurai - 625

200.

: Respondents

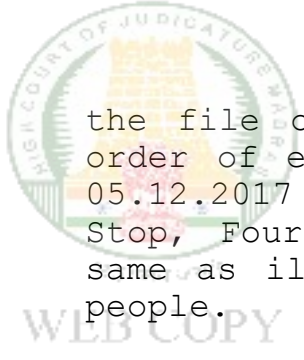
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Certiorari to call for the records on the file of the 3rd Respondent in connection with the impugned order of eviction passed by him vide his proceedings No.NIL dated 05.12.2017 in regard to evict the Aavin Booth situated near bus Stop, Four Way Track, Thayilpatti Junction, Sattur and quash the same as illegal, arbitrary and against the larger interest of the people.

For Petitioner
For R-1

: Mr.G.Thalaimutharasu
: Mr.M.Govindan,
Special Government Pleader

O R D E R

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



the file of the Third Respondent in connection with the impugned order of eviction passed by him vide his proceedings No.NIL dated 05.12.2017 in regard to eviction of Aavin Booth situated near Bus-Stop, Four Way Track, Thayilpatti Junction, Sattur and quash the same as illegal, arbitrary and against the larger interest of the people.

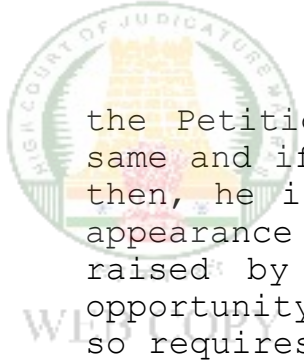
2. Heard both sides. No counter affidavit is filed on behalf of respondent Nos.1 to 3.

3. The Petitioner is aggrieved in respect of the notice dated 05.12.2017 being issued for removal of unauthorised occupation measuring an area about 3.0 metres at Km 78.270 (RHS) (Survey No.Ward A-Block-7-T.S. 11 etc) in Sattur Village by putting up Avin Tea Shop, situated in front of the road (within Third Respondent's ROW) .

4. It appears that the Petitioner was required to furnish a Representation immediately to the Project Director, National Highways Authority of India, Madurai and apart from that, the Petitioner was informed that if the Representation was made, he would be heard on 07.12.2017 at the office of the Project Director, Plot NO.3, Surya Towers, 2nd Floor, 1st East Street, K.K.Nagar, Madurai - 625 020 etc.

5. At this stage, the Learned Counsel for the Petitioner brings it to the notice of this Court that the present Writ Petitioner was arrayed as Fourth Respondent in W.P(MD)No.21300 of 2017 filed by one L.P.Arumugasamy against the District Collector, Virudhunagar District and three others whereby and whereunder the Deputy General Manager-cum-Project Director, National Highways Authority of India, Madurai (the Third Respondent herein) was directed to look into the Representation of the Petitioner's son therein dated 23.11.2016 and another Representation of the Petitioner therein dated 09.10.2017, with all seriousness and earnestness, within a period of two weeks from the date of receipt of the order and if any substance is found in the said Representation, without any haziness or hesitation, the Third Respondent was directed to take necessary steps in the manner known to Law and in accordance with Law for removal of encroachment. Further, this Court had also proceeded to point out that the Third Respondent shall provide enough opportunity of hearing to the Fourth Respondent therein (the present Writ Petitioner) and others concerned if any, receive his/their objections and then, pass a speaking order on merits in qualitative and quantitative terms assigning necessary reasons thereto, within a period of two weeks thereafter.

6. In view of the above, the present Writ Petitioner is directed to submit his Representation to the Third Respondent/Project Director, National Highways Authority of India, Madurai-20, within a period of ten days from the date of receipt of a copy of this order. Soon after the receipt of Representation from



the Petitioner, the Third Respondent is directed to look into the same and if he finds any substance/force in the said Representation, then, he is to pass necessary speaking orders (which will have the appearance of justice) by adverting to all the facts and legal pleas raised by the Petitioner, of course, after providing necessary opportunity of hearing (personal hearing) to the Petitioner, if he so requires/if he needs and in any event, the said final order shall be passed within a period four weeks thereafter. It is open to the Petitioner to furnish/produce necessary documentary or other evidence as the case may be, which shall be taken into consideration by the Third Respondent at the time of passing of final order in question. Till such time, it is lucidly made clear that possession of the Petitioner from the subject property shall not be disturbed by anyone in whatsoever manner.

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

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub-Assistant Registrar

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The National Highways Authority of India,
Madurai Zone,
Madurai.
- 3.The Deputy General Manager - cum - Project Director,
National Highways Authority of India,
Plot No.3, Suriya Towers, II Floor,
1st East Street, K.K.Nagar,
Madurai - 625 200.

+One cc to Mr.M.Mohana Sundaram, Advocate, SR.No.92287
+One cc to The Special Government Pleader, SR.No.92115

pm

RL/6C/3P/SKN/RSK/SAR4/26/12/2017

ORDER MADE IN
W.P. (MD) No.22562 of 2017