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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.09.2017

CORAM:

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

W.P. (MD) No.1682 of 2016
and
W.M.P. (MD) No.1437 & 1438 of 2016

Essakiammal

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Revenue Divisional Officer,
Cheranmahadevi Taluk,
Tirunelveli District.
3. The Divisional Engineer,
Highway Department,
Tirunelveli District,
Tirunelveli.
4. The Assistant Divisional Engineer,
Highway Department,
Having office at Ambasamudram,
Tirunelveli District.
5. The Assistant Engineer,
Highway Department,
Having office at Cheranmahadevi,
Cheranmahadevi, Ambasamudram.
6. The Tahsildhar,
Ambasamudram Taluk,
Tirunelveli District,
Tirunelveli

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the 4th respondent made in proceedings No.Thakkithu.No.100/2014/A1 dated 08.01.2016 and to ~~quash the same~~ and to direct the respondents to refrain from demolishing the building and evicting the petitioner without



following the legal requirements of Law.

For Petitioner : Mr.S.Krishnan
For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

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O R D E R

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

The writ petitioner challenges the order dated 08.01.2016 issued by the fourth respondent herein.

2.The impugned order calls upon the writ petitioner to remove the encroachment in question. But no prior notice issued to the petitioner. Therefore, the impugned order is liable to be quashed.

3.The matter is remitted to the file of the fourth respondent to pass fresh orders in accordance with law.

4.This writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

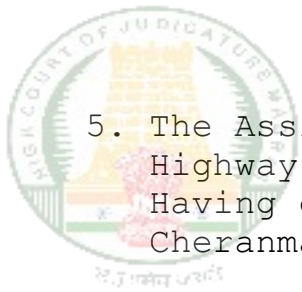
Sd/-
Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Revenue Divisional Officer,
Cheranmahadevi Taluk,
Tirunelveli District.
3. The Divisional Engineer,
Highway Department,
Tirunelveli District,
Tirunelveli.
4. The Assistant Divisional Engineer,
Highway Department,
Tirunelveli District.



5. The Assistant Engineer,
Highway Department,
Having office at Cheranmahadevi,
Cheranmahadevi, Ambasamudram.

6. The Tahsildhar,
Ambasamudram Taluk,
Tirunelveli District,
Tirunelveli

+ 1 CC TO MR.S.Krishnan, ADVOCATE IN SR No.77271

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.77989

rmi

MK/SKN RSK/SAR-2/27.09.2017/3P/9C

ORDER MADE IN
W.P. (MD) No.1682 of 2016
07.09.2017