



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2017

CORAM:

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

W.P.[MD].No.14957 of 2013

and

M.P. (MD) Nos.1 of 2013 and 1 of 2014

Mariya Jesaiyan

: Petitioner

Vs.

The Deputy General Manager (T) and
Project Director,
National Highways Authority of India, PIU
14, Kamarajar Nagar 1st Street,
Travellers Bungalow Road,
Valliyoor, Tirunelveli District.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the notice of respondent dated 23.08.2013 and quash the same as illegal and forbearing the respondent from demolishing the house of the petitioner in S.F.No.294/1A of Valavacha Kostam Village.

For Petitioner : Mr.A.Balamani

For Respondent : Mr.K.K.Senthilvelan

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner filed this Writ Petition challenging the eviction notice issued by the respondent.

2. The learned Standing Counsel for the respondent, on instructions, submitted that the land in question has already been handed over to the State Highways Department.

3. The eviction notice in question was issued by the respondent. According to the learned counsel for the respondent, the respondent has handed over the land to the State Highways Department. It is for the State Highways Department to take appropriate action, in case the cause of action still survives.



4. Since the respondent is not having any right in respect of the property in question, there is no question of implementing the order under challenge in this Writ Petition.

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5. We set aside the order impugned in this Writ Petition on account of the subsequent events giving liberty to the successor-in-interest of the respondent to take appropriate action in accordance with law.

6. The Writ Petition is allowed as indicated above. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

The Deputy General Manager (T) and
Project Director,
National Highways Authority of India, PIU
14, Kamarajar Nagar 1st Street,
Travellers Bungalow Road,
Valliyoor, Tirunelveli District.

SML

RL/2C/2P/KP/SAR1/17/7/2017

Order made in

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