



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.07.2017**

CORAM:

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

W.P.[MD].No.7059 of 2013
and
M.P.(MD)No.1 of 2013

A.Parvatham

: Petitioner

Vs.

The Assistant Divisional Engineer,
Highways Department,
(Construction and Maintenance),
Dindigul.

: 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 pertaining to impugned proceedings of the respondent in Memorandum No. ஆக்கிரமிப்பு/2012/இந், dated 31.10.2012 and quash the same and consequently, forbear the respondent, his men, agent or any person claiming under him from interfering with the peaceful possession and enjoyment of the house of the petitioner in Door No.44L, Balakrishnapuram, YMR Patti, Siluvathur Road, Dindigul District, by demolishing the same.

For Petitioner : Mr.R.Devaraj

For Respondent : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader

O R D E R

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

The writ petitioner questions the notice dated 31.10.2012 issued by the respondent herein.

2. We have gone through the contents of the impugned notice. It reads more like a final order. Furthermore, it is not preceded by any prior notice. Therefore, on that ground, we quash the impugned notice dated 31.10.2012. The matter is remitted back to the file of the respondent to proceed afresh in accordance with law.



3. The Writ Petition is allowed as indicated above. No costs. Consequently, the connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

The Assistant Divisional Engineer,
Highways Department,
(Construction and Maintenance),
Dindigul.

+1 cc to MR.R.Devaraj , Advocate in SR.No. 67354
+1 cc to The Special Government Pleader in SR.No.67898

SML

AE/SKN RSK/SAR1/04.08.2017/2P/4C

Order made in
W.P. [MD] .No.7059 of 2013
Dated:24.07.2017