

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.08.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE,J.

W.P.No.21437 of 2018 and
WMP Nos.25180 and 25181 of 2018

T.N.Riyaz Ahamed

... Petitioner

-Vs-

- 1.The Divisional Engineer (Highways)
(Construction and Maintenance Division), Thiruvallur District.
 - 2.The Assistant Divisional Engineer (Highways)
Construction and Maintenance Division
Ambattur Sub Division,
Avadi, Thiruvallur District.
 - 3.The Assistant Engineer (Highways)
Construction and Maintenance Division,
Poonamallee, Thiruvallur District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to receive the explanation by way of representation to the show cause notice dated 10.07.2018 vide Ku.No.587/C2/2018 and consider the same after due enquiry and dispose of the representation of the petitioner within a time frame.

For Petitioner : Mr.R.Abdul Mubeen

For Respondents : Mr.J.Pothiraj
Spl.Govt.Pleader

O R D E R

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

The petitioner, who is stated to be the owner of the premises bearing Plot No.464, Kumananchavadi, Trunk Road, Poonamallee Taluk, Tiruvallur District, has come up with this writ petition to direct the second respondent to consider his explanation to the show cause notice dated 10 July 2018 and dispose of the matter on merits.

2. We have heard the learned counsel for the petitioner. We have also heard Mr.J.Pothiraj, who took notice on behalf of the respondents.

3. By consent, the matter is taken up for final disposal during the time of admission.

4. The second respondent issued a show cause notice to M/s.Poorvika Mobiles under Section 28(2)(ii) of the Tamil Nadu Highways Act, calling upon the occupier to remove the encroachment, failing which, it was indicated that appropriate action would be taken in accordance with law.

5. The petitioner on receipt of information with regard to the show cause notice to M/s.Poorvika Mobiles, appears to have approached the second respondent with an explanation. However, it is the grievance of the petitioner that the second respondent has not taken cognizance of the representation submitted by him and the same resulted in filing the writ petition.

6. The learned Special Government Pleader on instructions fairly submitted that in case representation is given by the petitioner, the same would be considered on merits by the second respondent.

7. We are therefore of the view that appropriate direction should be issued in the subject case.

8. We grant liberty to the petitioner to submit a comprehensive representation to the show cause notice dated 10 July 2018 to the second respondent. In case, any such representation is given within a period of two weeks from the date of receipt of a copy of this order, the same shall be considered and disposed of by the jurisdictional authority on merits and in accordance with law. The status quo as on today shall be preserved till the matter is disposed of by the second respondent.

9. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

svki

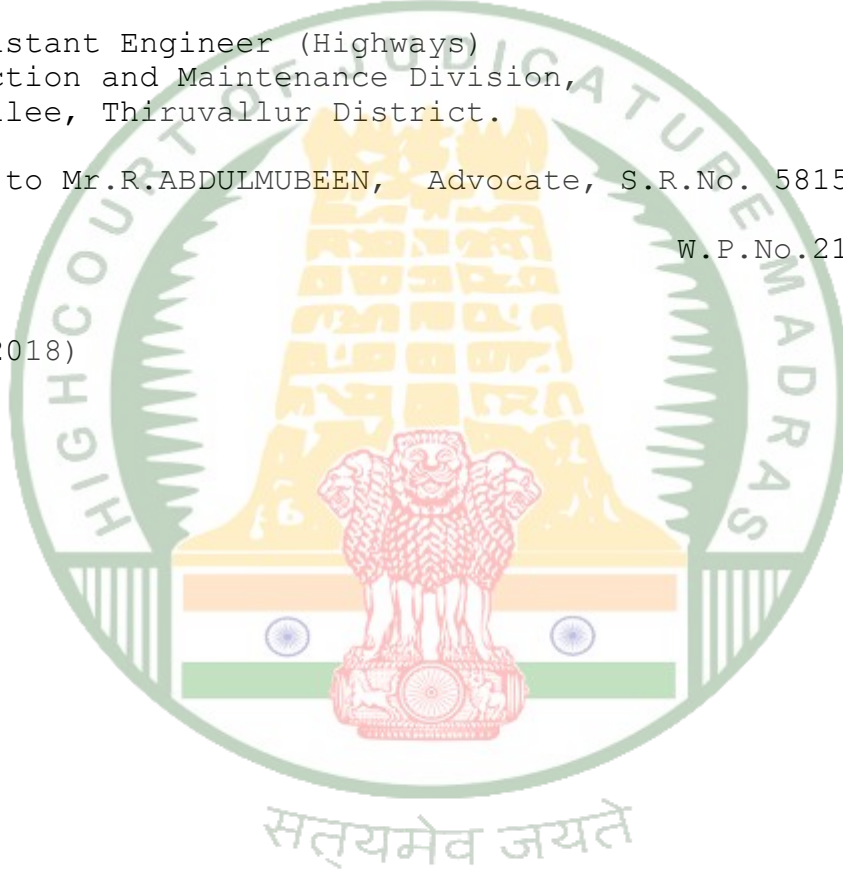
To

- 1.The Divisional Engineer (Highways)
(Construction and Maintenance Division)
Thiruvallur District.
- 2.The Assistant Divisional Engineer (Highways)
Construction and Maintenance Division
Ambattur Sub Division,
Avadi, Thiruvallur District.
- 3.The Assistant Engineer (Highways)
Construction and Maintenance Division,
Poonamallee, Thiruvallur District.

+1cc to Mr.R.ABDULMUBEEN, Advocate, S.R.No. 58157

W.P.No.21437 of 2018

TR(24/08/2018)



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