

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.972 of 2018 and
CMP No.8220 of 2018

K.Gurunathan

...Appellant

Vs

- 1.The State of Tamil Nadu
Rep. by its Principal Secretary to Govt.,
Highways & Minor Port
Fort St. George, Chennai - 600 009.
- 2.The Collector
Vellore District, Vellore - 632 009.
- 3.The District Revenue Officer (L.A)
Collector Office, Sathuvachari,
Vellore - 632 009.
- 4.The Divisional Engineer (Projects)
Highways Department, 5th West Cross Road,
Gandhi Nagar, Vellore - 632 006.

...Respondents

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed by this Court in W.P.No.33119 of 2017 dated 13.02.2018.

WP.NO.33119/2017:

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified calling for the records of the 3rd respondent pertaining to the notice issued under section 15(2) of the Tamilnadu Highways Act 2001 and published in the Makkal Kural and Trinity Mirror, Chennai edition dated 23.11.2017 and quash the same.

For Appellant : Mr.P.Chandrasekar

For Respondents: Mr.V.Anandhamoorthy
Addl.Govt.Pleader

J U D G M E N T

(Judgment of the Court was delivered by
K.K.SASIDHARAN, J.)

The notice issued by the District Revenue Officer, Vellore dated 23 November 2017 under Section 15(2) of the Tamil Nadu Highways Act, 2001 (hereinafter referred to as the "Act") was challenged before the Writ Court on the ground that statutory period of 30 days was not given for submission of objection. The learned single Judge disposed of the writ petition by directing the third respondent to issue a fresh notice. The authority was permitted to conduct enquiry and proceed further after issuing such notice. The order is under challenge in this intra court appeal.

2. The issue raised by the appellant is covered by a judgment of this Court dated 4 April 2018 in W.A.No.698 of 2008. Similar challenge was made to the notice issued under Section 15 (2) of the Act by the appellant therein. This Court having found that it would be possible for the appellant to submit a comprehensive reply to the notice disposed of the intra court appeal with liberty to submit reply. The authority was directed to conduct enquiry by adjourning it by 30 days.

3. We are informed by the learned counsel for the appellant that enquiry is now posted on 17 May 2018. We permit the appellant to submit a reply to the notice under Section 15(2) of the Act on or before 15 May 2018. The third respondent is directed consider the reply given by the appellant and dispose of the same on merits and as per law.

4. The intra court appeal is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

svki

To

1.The Principal Secretary to Govt.,
The State of Tamil Nadu
Highways & Minor Port
Fort St. George, Chennai - 600 009.

2.The Collector
Vellore District, Vellore - 632 009.

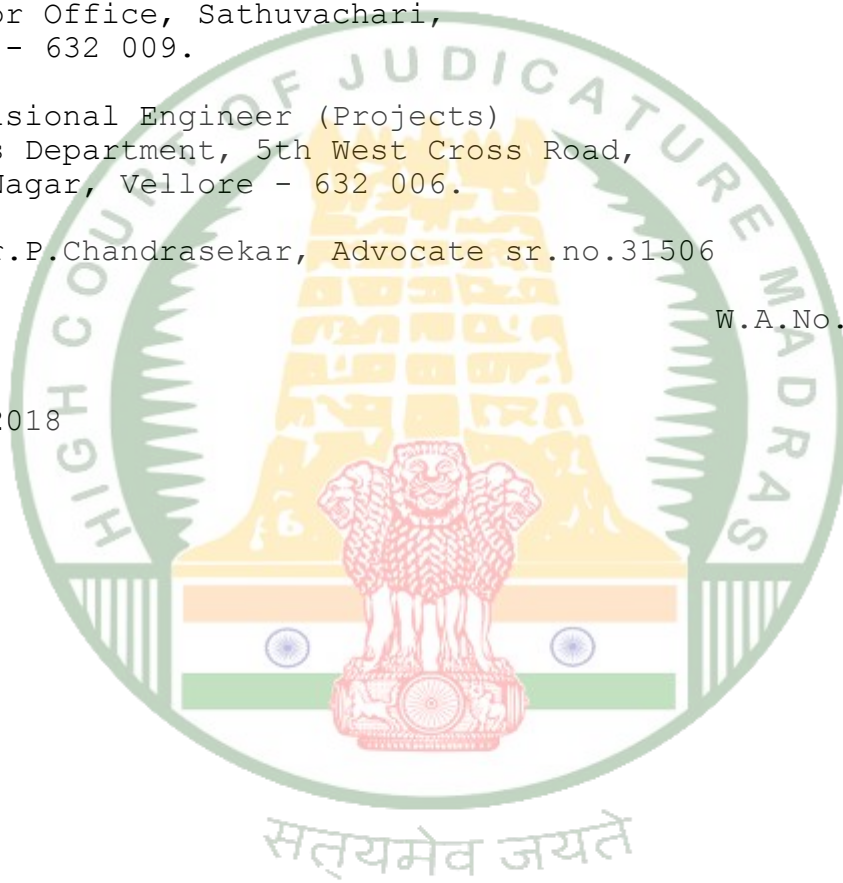
3.The District Revenue Officer (L.A)
Collector Office, Sathuvachari,
Vellore - 632 009.

4.The Divisional Engineer (Projects)
Highways Department, 5th West Cross Road,
Gandhi Nagar, Vellore - 632 006.

+lcc to Mr.P.Chandrasekar, Advocate sr.no.31506

W.A.No.972 of 2018

ssv(co)
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