

IN THE HIGH COURT OF JUDUCATURE AT MADRAS

Dated: 07.09.2018

Coram:

THE HON'BLE MR.JUTICE M.VENUGOPAL
AND
THE HON'BLE MRS.JUSTICE S.RAMATHILAGAM

W.P.No.23303 of 2018
and

W.M.P.No.27204 of 2018

1.M.Logan @ Loganathan
2.V.Kanniyappan
3.M.Murugan
4.C.Anitha @ Anithavalli
5.G.Shakila
6.M.Subramani

... Petitioners

vs.

1. The District Collector,
Collectorate,
Thiruvannamalai District.
2. The Tahsildar,
Kalasapakkam Taluk,
Thiruvannamalai District.
3. The Assistant Divisional Engineer,
Highways Department B & C Office,
Polur Sub-Division,
Polur-606 803

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the Impugned Proceeding No.900/2018/Encroah/U, dated 21.08.2018, issued by the Third Respondent and quash the same and consequently, direct the Respondents 1 and 2 to provide Natham Patta in Survey No.183, at Door Nos.1/158(2), 1/157, 1/151, 1/159, 1/150 and 1/153, at Road Street, Venkattampalayam Village, Adamangalam, Kalasapakkam Taluk, Thiruvannamalai District or to provide an alternative resident place to petitioners.

For Petitioners : Mr.P.Ganapathy

For Respondents : Mrs.Rose Kamalam, Govt. Advocate

ORDER

(Order of the Court was made by M.VENUGOPAL, J.)

Heard the Learned Counsel for the Petitioners and the Learned Government for R1 to R3.

2.No counter is filed on behalf of the Respondents 1 to 3.

3.The Petitioners were issued with a Show Cause Notice by the Third Respondent in Memo No.900/2018/Encroachments/U, dated 21.08.2018, whereby and whereunder, they were informed that they have encroached the place belonging to the Highways Department and put up shops and buildings. Further, they were required to offer their Explanation/Objection to the said Notice within 7 days from the date of receipt of copy of the same. The Petitioners had reportedly given Petitions in connection with the issue of Show Cause Notice, dated 21.08.2018, by the Third Respondent, before the First Respondent, for which, they were issued with due acknowledgments.

4.As far as the present case is concerned, it is not in dispute that the Writ Petitioners had not submitted their individual Explanation to the Third Respondent, as required in the said Show Cause Notice. As such, this Court, without expressing any opinion on the merits of the matter and also not delving deep into the subject matter in issue, at this stage, simpliciter directs the Writ Petitioners to individually submit their Objections/Explanations in writing to the 3rd Respondent, within seven days from the date of receipt of copy of this Order. Thereafter, the 3rd Respondent shall look into the individual Representations of the Petitioners and to dispose of the same within a period of two weeks, by passing a reasoned speaking Order on merits and in accordance with Law. In case, if the Petitioners require an opportunity of hearing to air their grievance, the 3rd Respondent shall provide an opportunity in this regard to them, by adhering to the 'Principles of Natural Justice'. It is open to the Petitioners to raise all factual and Legal pleas before the 3rd Respondent, who shall advert to the same, at the time of passing final Orders in the subject matter in issue. The Petitioners are directed to lend their assistance and unstinted Cooperation to the 3rd Respondent, so as to enable him to pass necessary Orders in the subject matter in issue. Till orders are passed by the 3rd Respondent,

the Petitioners shall not be disturbed or displaced from the subject properties. Also it is abundantly made quite clear that the Petitioners shall not alter the physical features of the properties in question and also not to encumber the properties or create any Third Party rights.

With the above observations/directions, the writ petition shall stand disposed of. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

msk

To

1. The District Collector,
Collectorate,
Thiruvannamalai District.
2. The Tahsildar,
Kalasapakkam Taluk,
Thiruvannamalai District.
3. The Assistant Divisional Engineer,
Highways Department B & C Office,
Polur Sub-Division,
Polur-606 803

+1cc to Mr.R.Margabandu, Advocate, S.R.No.62293

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