



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2018

CORAM:

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.2708 of 2018

and

W.M.P. (MD) No.2894 of 2018

Palaniappan

: Petitioner

Vs.

1. The Divisional Engineer,
Highways,
Karur Division, Karur.

2. The Assistant Division Engineer,
(Construction and Maintenance)
Highways, Aravakurichi,
Karur District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to the impugned order of eviction passed by the second respondent in his proceedings in Na.Ka.No.143/2011/A2, dated 06.02.2018 and quash the same.

For Petitioner	: Mr.K.Kulanthai Vickram
For Respondents	: Mr.D.Muruganandam Additional Government Pleader

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM,J.**]

Heard Mr.K.Kulanthai Vickram, learned counsel appearing for the petitioner and Mr.D.Muruganandam, learned Additional Government Pleader accepts notice on behalf of the respondents.

2. By consent of either side, the writ petition itself is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/> is a fifth round of litigation initiated by the petitioner and only attempt appears to be to squat on Government



property. The petitioner filed the first writ petition in W.P (MD).No.17046 of 2013 and the same was disposed of by order dated 05.09.2014, directing the respondents to consider the petitioner's representation and pass orders on merits and in accordance with law within a stipulated time. Subsequently, the petitioner filed another writ petition in W.P.(MD).No.7701 of 2015, wherein the petitioner challenged the order passed by the Tahsildar, Aravakurichi Taluk, Karur District, dated 27.02.2015, rejecting the petitioner's application for grant of Patta. The said writ petition was disposed of by directing the petitioner to file an appeal before the appropriate authority and in the interregnum, his possession was protected. Subsequently, the petitioner filed another writ petition in W.P.(MD).No.2514 of 2016, challenging the notice issued by the Revenue Divisional Officer, dated 14.01.2016 and the said writ petition was dismissed as withdrawn with liberty to file an appeal before the District Revenue Officer. Accordingly, instead of an appeal, a revision petition was filed by the petitioner before the District Revenue Officer, Karur District, which was dismissed by order dated 24.12.2016. The first of the five writ petitions viz., W.P.(MD).No.6688 of 2012 was allowed by order dated 17.07.2017 by the Division Bench by remitting the matter to the Assistant Divisional Engineer, Highways, Aravakurichi, Karur District. Since by then action was initiated by the Highways Department as the petitioner is stated to have encroached the Highways property. The present writ petition which is the fifth writ petition filed by the writ petitioner stating that though the second respondent had fixed the date for personal hearing on 01.02.2018, he received the notice only on 02.02.2018. It appears that the petitioner was also indisposed and requested the authorities to adjourn the hearing. However, by the impugned proceedings, the second respondent directed the petitioner to vacate the premises within seven days.

4. The above facts will clearly show that from the year 2012, the petitioner has been filing writ petitions and is continuing in possession of the property which according to the respondents is a property owned of the Highways Department .

5. The learned Additional Government Pleader on instructions from the second respondent, who is present in Court, submitted that another notice has been issued on 07.02.2018 i.e., after the impugned notice, granting fifteen days time to vacate the premises. However, since the earlier Division Bench has directed an opportunity to be given to the petitioner, this Court deems it appropriate that a date should be fixed, on which date the petitioner should appear before the second respondent and he should be heard on the said date and any documents in support of his claim can be produced and the second respondent shall pass orders on the merits. Accordingly, the present writ petition stands disposed of and the petitioner is directed to appear before the second respondent on 19.02.2018 at 11.00 a.m., and the petitioner



be heard by the second respondent and orders be passed on merits and in accordance with law within a period of ten days from the said date. No costs. Consequently, the connected Miscellaneous petition is closed.

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/True copy/

Sd/-

Assistant Registrar(T&P)

Sub Assistant Registrar

To

1. The Divisional Engineer,
Highways,
Karur Division, Karur.
2. The Assistant Division Engineer,
(Construction and Maintenance)
Highways, Aravakurichi,
Karur District.

+1cc to Mr.K.Kulanthai Vickram, Advocate, in SR No.47728

+1cc to Mr.D.Muruganandam, Advocate, in SR No.47930

+1cc to Special Government Pleader in SR.No.48305

W.P. (MD) No.2708 of 2018
12.02.2018

rmk/akv

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