



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

and

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD) No.8443 of 2018

and

W.M.P.(MD) No.7974 of 2018

Ayyadurai

... Petitioner

Vs.

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Tahsildar,
Aranthangi Taluk Office,
Aranthangi,
Pudukottai District.

3.The Assistant Engineer,
(Construction and Maintenance),
Highways Department,
Aranthangi,
Pudukottai District.

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 02.04.2018 passed by the third respondent herein and quash the same and consequently direct the respondents to hear the petitioner by issuing show cause notice regarding the alleged encroachment.

For Petitioner : Mr.D.R.Murugesan

For Respondents : Mr.C.Ramar

1 and 2

Additional Government Pleader

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition was directed against the impugned proceedings dated 02.04.2018 issued by the Assistant Engineer (Construction and Maintenance), Highways Department, Aranthangi, Pudukottai District, the third respondent herein, in and by which the third respondent informed the petitioner to remove the encroachment which is causing public inconvenience, as the petitioner has removed the boundary stone on the Highway road and encroached the same.



2. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2.

3. Although this Court granted an order of interim stay on 18.04.2018 in view of the fact that the petitioner has assailed the impugned order on the ground that he was not afforded with any opportunity and without issuing any show-cause notice which is against the statutory requirement under the State Highways Act, 2001, in the meanwhile, the affected public started undertaking protest meeting on the road blocking the public transport buses plying on the highways road. In view of the serious objection raised by the public demanding removal of the encroachment made by the petitioner, the alleged encroachment also has been removed.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 also placed on record the statement dated 14.08.2018 made by the Village Administrative Officer, 24. Merpanaikkadu, Poovatrakkudi Circle, Aranthangi Taluk, stating that the alleged encroachment has been removed.

5. In view of the fact that the encroachment has been removed, the prayer in the Writ Petition has become infructuous. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl. side)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The District Collector,
Pudukottai District, Pudukottai.

2. The Tahsildar,
Aranthangi Taluk Office,
Aranthangi, Pudukottai District.

3. The Assistant Engineer,
(Construction and Maintenance),
Highways Department, Aranthangi,
Pudukottai District.

+1CC to the Special Government Pleader SR.No. 83358

W.P. (MD) No. 8443 of 2018
07.09.2018

SRM

<https://hservices.courts.gov.in/hcservices/>

ES/SRN/RSR/SAR-1/17.10.2018/2P/5C