

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P.No.25794 of 2019 and

W.M.P.No.25237 of 2019

Krishnaveni

.. Petitioner

Vs.

1.The Divisional Engineer,
(Highways Construction & Maintenance),
Vellore - 9, Vellore District.

2.The Assistant Divisional Engineer,

(Highways Construction & Maintenance),
Walajah - 632 513, Vellore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of certiorari to call for the records of the 2nd respondent in his proceedings in Notice No.228 (1st/2018/E.Ni.Uo/ dated 31.07.2019 and quash the same.

For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAIWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of certiorari to call for the records of the 2nd respondent in his proceedings dated 31.07.2019 and to quash the same.

2.It is the case of the petitioner that the 2nd respondent had issued the proceedings dated 31.07.2019 calling upon her to vacate the encroached land without issuing a show cause notice.

3.The learned Government Pleader (i/c) appearing for the

respondents submitted that the impugned proceedings dated 31.07.2019 may be treated as a show cause notice and the petitioner may be directed to give his reply within a time frame.

4.The learned counsel for the petitioner also agreed that the impugned proceedings may be treated as a show cause notice and the petitioner may be given liberty to give a reply.

5.In view of the submissions made by the learned counsel on either side, since the 2nd respondent has not issued any show cause notice prior to the passing of the impugned proceedings dated 31.07.2019, we direct the parties to treat the impugned proceedings dated 31.07.2019 as a show cause notice and the petitioner is directed to give her reply to the said show cause notice within ten days from the date of receipt of a copy of this order. On receipt of the same, the 2nd respondent shall pass orders in accordance with law.

6.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Insp cell)

//True Copy//

Sub Assistant Registrar

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To

1.The Divisional Engineer,
(Highways Construction & Maintenance),
Vellore - 9, Vellore District.

2.The Assistant Divisional Engineer,
(Highways Construction & Maintenance),
Walajah - 632 513, Vellore District.

+lcc to Mr.G.Jeremiah, Advocate SR.75055

+lcc to the Government Pleader SR.76244

W.P.No.25794 of 2019 and
W.M.P.No.25237 of 2019

VGII(CO)
CB(11/10/2019)