



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **09.05.2019**

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD) .No.10947 of 2019

and

WMP (MD) No.8371 of 2019

R.Ayyasamy

.. Petitioner

Vs.

1.The District Collector,
Trichy,
Trichy District.

2.The Project Director,
National Highways Authority of India,
Ponnagar, Trichy, Trichy District.

3.The Project Manager,
Trichy Dindigul Tollroad Pvt Ltd.,
Ponnambalampatti,
Trichy District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India issue a Writ of Certiorari calling for the records relating to the impugned notice issued by the 3rd respondent in his proceedings in RPD/OEM/SITE/HD-009 dated 25.04.2019 and set aside the same as illegal.

For Petitioner	: Mr.J.Jeyakumaran
For R1	: Mr.M.Pandiarajan
For R2	: Mr.Arulvadivel @ Sekar
For R3	: No appearance

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The writ petitioner has been directed by the third respondent vide impugned notice dated 25.04.2019 to remove, what according to the third respondent are encroachments committed by the writ petitioner.

<https://hcservices.ecourts.gov.in/hcservices/> 2. The third respondent has since been sent notice in this writ petition, but there is no appearance on their behalf either in person or through counsel.



3.The second respondent, who is the statutory authority is represented by their Standing Counsel. It is fairly admitted by the learned Standing Counsel appearing for the second respondent that the third respondent is only a concessionaire and that he has no power or jurisdiction to issue the impugned notice, calling upon the petitioner to remove the alleged encroachments.

4.Therefore, on the ground of lack of jurisdiction, the impugned notice is quashed. The writ petition is allowed. It goes without saying that the second respondent is at liberty to take action as per law. No costs. Consequently, WMP(MD)No.8371 of 2019 is closed.

Sd/-

Assistant Registrar /
Vacation Officer

/ True Copy /

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Trichy,
Trichy District.

2.The Project Director,
National Highways Authority of India,
Ponnagar, Trichy, Trichy District.

3.The Project Manager,
Trichy Dindigul Tollroad Pvt Ltd.,
Ponnambalampatti,
Trichy District.

+1 CC to M/s.C.ARUL VADIVEL @SEKAR, Advocate
(SR-65398[F] dated 09/05/2019)

+1 CC to M/s.J.JEYAKUMARAN, Advocate(SR-65405[F]dated 09/05/2019)

W.P. (MD) .No.10947 of 2019
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ES/16.05.2019/2P/6C