



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 23.07.2019  
CORAM:

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU**  
**and**  
**THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P. (MD)No.16399 of 2019  
and  
W.M.P. (MD)No.13063 of 2019

P.Muthaiah : Petitioner  
Vs.

The Assistant Engineer,  
(state Highways)  
Construction and Maintenance,  
Madurai South Division,  
Madurai.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records relating to the impugned order passed by the respondent in his proceedings Na.Ka.No.2/2019/U.Po/, dated 17.07.2019 and quash the same as illegal arbitrary and in violation of Principles of natural justice.

For Petitioner : Mr.B.Saravanan

For Respondent : Mr.V.R.Shanmuganathan  
Special Government Pleader

**O R D E R**

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[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

This writ petition is filed challenging the proceedings of the respondent, dated 17.07.2019, which is nothing but a notice calling upon the petitioner to give objection, if any, as against the proposed action to remove the encroachment, by following the procedures contemplated under the Tamil Nadu Highways Act., 2001.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who takes notice for the respondent.



3. Though several contentions are raised in this writ petition touching upon the merits of the matter, we are not inclined to go into such contentions and express any view on the same for the simple reason that the impugned proceedings is only a notice calling upon the petitioner to give objection. Therefore, it is for the petitioner to give such objection before the respondent, so as to enable the respondent to consider the same and pass appropriate orders on merits and in accordance with law. Thus, this writ petition is disposed of by directing the petitioner to give explanation to the impugned notice, within seven days from the date of receipt of a copy of this order. On receipt of such explanation, the respondent shall consider the same and pass a speaking order on merits and in accordance with law, within a period of two weeks thereafter. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

To

The Assistant Engineer, (state Highways) Construction and Maintenance, Madurai South Division, Madurai.

+1cc to Mr. B. SARAIVANAN, Advocate, SR.No.77051

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23.07.2019

NA (30.07.2019) 2P :3C