



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .Nos.19387 and 19390 of 2019

and

W.M.P (MD) Nos.15830 and 15832 of 2019

1.M.K.Sakkarai Bava ...Petitioner in W.P(MD)No.19387 of 2019
2.A.Mohammed Hanifa ...Petitioner in W.P(MD)No.19390 of 2019

vs.

1.The Tahsildar,
Vedasandur Taluk,
Dindigul District.

2.The Assistant Divisional Engineer,
Highways Department,
Vedasandur Taluk,
Dindigul District.

... Respondent in both W.Ps'

COMMON PRAYER:Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari calling for the entire records pertaining to the impugned proceedings No.10 Encroachment/U/dated 22.8.2019 issued by the second respondent and to quash the same.

For Petitioner : Mr.B.Vinoth Balan
in both W.Ps'

For Respondents : Mr.A.Muthukaruppan
in both W.Ps' Addl. Government Pleader

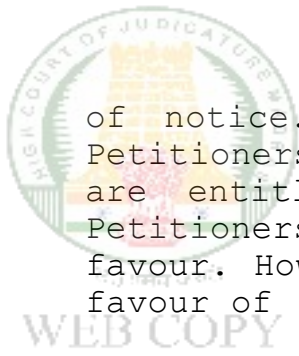
COMMON ORDER

(Order of this Court was made by **T.S.SIVAGNANAM, J)**

Heard Mr.B.Vinoth Balan, learned counsel appearing for the Petitioners and Mr.A.Muthukaruppan, learned Additional Government Pleader who accepts notice on behalf of the respondents.

2.By consent of either side, these writ petitions are taken up for disposal.

3.The Petitioners have filed these Writ Petitions challenging the notice issued by the second respondent under Tamil Nadu Highways Act, 2001, stating that the Petitioners have to remove the encroachments made by them within 15 days from the date of receipt



of notice. Admittedly, no show-cause notice was issued to the Petitioners. Even assuming that it is an encroachment, encroachers are entitled to be heard in the matter, especially when the Petitioners state that they have got registered documents in their favour. However, the fact remains that no patta has been issued in favour of the Petitioners.

4.Considering the above facts, the parties shall treat the impugned notice as a show-cause notice and the Petitioners are directed to submit their objections/explanations within 15 days from the date of receipt of a copy of this order, enclosing all the documents in support of their claim. On receipt of such objections, the second respondent shall conduct an enquiry by affording an opportunity of hearing to the Petitioners or their authorized representatives and pass final orders within a period of one week after the conclusion of personal hearing. In the meantime, no coercive steps shall be taken against the Petitioners, in the subject-matter in issue.

5.With the above directions, these Writ Petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Tahsildar, Vendasandur Taluk, Dindigul District.

2.The Assistant Divisional Engineer,
Highways Department,
Vendasandur Taluk, Dindigul District.

+2 CC to Mr.B.VINOTH BALAN, Advocate SR-85736& 85737.

+1 CC to SPL.GP SR-85870.

COMMON ORDER MADE IN
W.P. (MD) .Nos.19387 and
19390 of 2019
and
W.M.P (MD) Nos.15830 and
15832 of 2019
06.09.2019

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