



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) .No.19386 of 2019

and

W.M.P. (MD) .Nos.15827 and 15828 of 2019

C.Rajendran

... Petitioner

vs.

The Authorized Officer,
National Highways Authority of India,
CDR and CO Constructions,
Thirunagar,
Madurai - 625 006.

... Respondent

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari calling for the records pertaining to the impugned notice dated Nil issued by the respondent herein and to quash the same as illegal.

For Petitioner : Mr.B.Jameel Arasu
For Respondent : Mr.C.Arul Vadivel @ Sekar

O R D E R

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

Heard Mr.B.Jameel Arasu, learned counsel appearing for the Petitioner and Mr.C.Arul Vadivel @ Sekar, learned counsel who accepts notice on behalf of the respondent/National Highways.

2.By consent of either side, this writ petition is taken up for disposal.

3.The Petitioner has impugned a notice issued by the Concessioner appointed by the National Highways Authority of India. It is submitted by the Petitioner that if at all there is an encroachment made by the Petitioner in the National Highways, it is for the National Highways to take appropriate action and the Concessioner is not empowered to issue such notice. The one



more authority, who is entitled to initiate action to remove the encroachments is the Revenue Authorities, in the event of the said land being a Government Poramboke land vested with the State Government. However, in the instant case, the land belongs to National Highways. Therefore, the National Highways is the appropriate authority to issue such notice.

4. For the above reasons, this Writ Petition is allowed and the impugned notice is set aside and liberty is given to the respondent to issue appropriate notice and proceed with the matter in accordance with law. In the event of any such notice being issued, the Petitioner shall raise all the contentions put-forth herein, before the said forum. No costs. Consequently connected connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

vsn

To

The Authorized Officer,
National Highways Authority of India,
CDR and CO Constructions,
Thirunagar,
Madurai - 625 006.

+1 CC to M/s.C.ARUL VADIVEL @ SEKAR, Advocate (SR-85717[F] dated 06/09/2019)

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-85832[F] dated 09/09/2019)

ORDER MADE IN

W.P. (MD) .No.19386 of 2019

and

W.M.P. (MD) .Nos.15827 and

15828 of 2019

06.09.2019

_KM/ (17.09.2019) 2P 4C