

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.Nos. 13694, 13696 and 13698 of 2020
and

W.M.P.Nos. 17024, 17031, 17032, 17025, 17028 and 17029 of 2020

C.Loganathan

.. Petitioner
in WP 13694/2020

C.Jeyavelan

.. Petitioner
in WP 13696/2020

C.Ganesan

.. Petitioner
in WP 13698/2020

vs

1.The Divisional Engineer,
Tamilnadu Highways Department
(Construction & Maintenance),
Edapadi, Salem District.

2.The Assistant Divisional Engineer,
Tamilnadu Highways Department
(Construction & Maintenance),
Edapadi, Salem District.

3.The Junior Engineer,
Tamilnadu Highways Department
(Construction & Maintenance),
Edapadi, Salem District.

.. Respondents
in all WPs

Prayer in W.P.No.13694 of 2020: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order of the second respondent in Na.Ka.No.17/Encroachment/2020-2021/E.Ni.Vu. dated 10.09.2020 and quash the same and consequently forbear the respondents from interfering with the petitioner's possession of the Shop premises under the name and style of "P.K.S.Maligai Stores" standing the premises measuring an extent of 0.01.1 cents

comprised in Survey Nos.644/5 situated at Chittoor Village, Edapadi Taluk, Salem District.

Prayer in W.P.No.13696 of 2020: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order of the second respondent in Na.Ka.No.17/Encroachment/2020-2021/E.Ni.Vu. dated 10.09.2020 and quash the same and consequently forbear the respondents from interfering with the petitioner's possession of the Shop premises measuring an extent of 0.01.1 cents comprised in Survey Nos.644/5 situated at Chittoor Village, Edapadi Taluk, Salem District.

Prayer in W.P.No.13698 of 2020: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order of the second respondent in Na.Ka.No.17/Encroachment/2020-2021/E.Ni.Vu. dated 10.09.2020 and quash the same and consequently forbear the respondents from interfering with the petitioner's possession of the House and Barber Shop premises measuring an extent of 374 sq.ft collectively comprised in Survey Nos. 644/4 and 644/5 situated at Chittoor Village, Edapadi Taluk, Salem District.

For Petitioner
(in all WPs) ... Mr.S.Srinivasa Narayanan
For Respondents
(in all WPs) ... Mr.R.Vijayakumar,
Addl.Govt. Pleader

COMMON ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioners in all these cases challenge the notice issued by the second respondent, by which, the petitioners were asked to remove the encroachment made by them within a period of five days from the date of receipt of the same.

2. Heard the learned counsel appearing for the parties.

3. Learned counsel appearing for the petitioners submitted that the said notice has not been preceded by any show cause notice. The second respondent has predetermined the said issue by treating the petitioners as encroachers.

4. Learned Additional Government Pleader appearing for the respondents submitted that the petitioners have given their reply to the notice dated 10.09.2020 which is under challenge. Therefore, the aforesaid reply may be directed to be considered.

5. Taking into consideration the fact that the petitioners are sought to be dispossessed pursuant to the impugned notice issued coupled with the fact that the petitioners have already given their reply, we direct the second respondent to pass final orders by treating the impugned notice as show cause notice. Considering the representation made by the petitioners, appropriate final orders will have to be passed within a period of three weeks from the date of receipt of a copy of this order. Till such time, status quo as on today shall be maintained. The petitioners are also at liberty to give another representation within a period of one week from the date of receipt of a copy of this order.

6. The writ petitions stand disposed of accordingly. No Costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm
To

1.The Divisional Engineer,
Tamilnadu Highways Department
(Construction & Maintenance),
Edapadi, Salem District.

2.The Assistant Divisional Engineer,
Tamilnadu Highways Department
(Construction & Maintenance),
Edapadi, Salem District.

3.The Junior Engineer,
Tamilnadu Highways Department
(Construction & Maintenance),
Edapadi, Salem District.

+3ccs to Mr.S.Srinivasa Narayanan, Advocate, sr nos.
no.32113,32112,32111

W.P.Nos. 13694, 13696
& 13698 of 2020

GMR (CO)
RMP (20/10/2020)