

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 22.01.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.24177 of 2019
and W.M.P.Nos.23957, 23958, 23959 & 28969 of 2019

- 1.S.Balakrishnan
- 2.D.Kanchana
- 3.M.Baskaran
- 4.G.Perumal
- 5.R.Mohanapathy
- 6.P.Kumaresan
- 7.S.K.C.Santharaman
- 8.K.Manikandan
- 9.J.Jothi
- 10.P.Devagi
- 11.Mannama
- 12.Raniyammal

...Petitioners

versus

- 1.The District Collector,
Vellore District,
Vellore.
- 2.The Revenue Divisional Officer,
Office of the Revenue Division,
Ranipet, Vellore District.
- 3.The Tahsildar,
Wallajah, Vellore District.
- 4.The Assistant Divisional Engineer (H) Office,
Construction and Maintenance,
Wallajah,
Vellore - 632 513.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records on the file of the fourth respondent in following notice nos.

- 1, தாக் கீது எண்.228(16)/2018/இந்இ/நாள்° 31.07.2019,
- 2, தாக் கீது எண்.228(15)/2018/இந்இ/நாள்° 31.07.2019,
- 3, தாக் கீது எண்.228(2)/2018/இந்இ/நாள்° 31.07.2019,
- 4, தாக் கீது எண்.228(8)/2018/இந்இ/நாள்° 31.07.2019,
- 5, தாக் கீது எண்.228(9)/2018/இந்இ/நாள்° 31.07.2019,
- 6, தாக் கீது எண்.228(4)/2018/இந்இ/நாள்° 31.07.2019,
- 7, தாக் கீது எண்.228(12)/2018/இந்இ/நாள்° 31.07.2019,
- 8, தாக் கீது எண்.228(10)/2018/இந்இ/நாள்° 31.07.2019,
- 9, தாக் கீது எண்.228(14)/2018/இந்இ/நாள்° 31.07.2019,
- 10, தாக் கீது எண்.228(7)/2018/இந்இ/நாள்° 31.07.2019,
- 11, தாக் கீது எண்.228(6)/2018/இந்இ/நாள்° 31.07.2019,
- 12, தாக் கீது எண்.228(11)/2018/இந்இ/நாள்° 31.07.2019,

and quash the same.

For Petitioners: Mr.K.V.Sajeev Kumar
For Respondents: Mr.K.S.Suresh
Government Advocate

O R D E R

[Order of this Court was made by R.SUBBIAH, J.]

The petitioners have come up with the present Writ Petition for a Certiorari, calling for the records on the file of the fourth respondent in his proceedings dated 31.07.2019 and quash the same.

2. It is the case of the petitioners that the fourth respondent had issued the proceedings dated 31.07.2019 calling upon them to vacate the encroached land without issuing a show cause notice.

3. The learned counsel appearing for the petitioners submitted that the fourth respondent has issued the eviction notice under Section 28(2)(ii) of the Tamil Nadu Highways Act, 2001 but before ordering for eviction, a show cause notice ought to have been given to the petitioners and hence, he prayed to quash the same.

4. The learned Government Advocate appearing for the respondents submitted that the impugned proceedings dated 31.07.2019 may be treated as a show cause notice and the petitioners may be directed to give their reply within a time frame.

5. In view of the above submission made by the learned Government Advocate appearing for the respondents, we direct the parties to treat the impugned proceedings dated 31.07.2019 as a show cause notice and the petitioners are directed to give their

reply to the said show cause notice, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said reply, the fourth respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioners as well as to any other necessary parties, within a period of 6 weeks thereafter.

6. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

sri
To

1. The District Collector,
Vellore District,
Vellore.
2. The Revenue Divisional Officer,
Office of the Revenue Division,
Ranipet, Vellore District.
3. The Tahsildar,
Wallajah, Vellore District.
4. The Assistant Divisional Engineer (H) Office,
Construction and Maintenance,
Wallajah,
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+1 CC to Mr.K.V.Sajeev Kumar, advocate sr 4531.
+1 CC to The Govt. Pleader sr 4780.

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NR(CO)
SP(21/02/2020)