

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2020

CORAM

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

Writ Petition No.34935 of 2019
and
W.M.P.No.35718 of 2019

J.Rajan Babu
S/o.Jagadeesan

... Petitioner

Vs

The Assistant Divisional Engineer,
Highways Department (O&M),
Tindivanam,
Villupuram District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the notice issued by respondent herein in the form of order in Na.Ka.No.252/2019/A1 dated 21.11.2019, quash the same insofar it relates to Serial No.25 in the notice, namely, Jaya W/o.Kuppusamy and consequently, direct the respondent herein not to take any sort of action against petitioner with respect to his property comprised in Survey No.180/5, Avanippur Village, Tindivanam Taluk, Villupuram District, admeasuring an extent of 2184 sq.ft. without adhering to the principles of natural justice.

For Petitioner : Mr.G.Magesh Kumar

For Respondent : Mr.V.Shanmuga Sundar

Special Government Pleader

O R D E R

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

Petitioner has filed the present Writ Petition seeking quash of the notice issued by respondent herein in the form of order in Na.Ka.No.252/2019/A1 dated 21.11.2019, insofar it relates to Serial No.25 in the notice, namely, Jaya W/o.Kuppusamy and consequently, direct the respondent herein not to take any sort of action against petitioner with respect to his property comprised in Survey No.180/5, Avanippur Village, Tindivanam Taluk, Villupuram District, admeasuring an extent of 2184 sq.ft.

without adhering to the principles of natural justice.

2. Heard learned counsel for petitioner and learned Special Government Pleader appearing for respondent.

3. Learned counsel for petitioner submits that the petitioner purchased the property comprised in Survey No.180/5, Avanippur Village, Tindivanam Taluk, Villupuram District, admeasuring an extent of 2184 sq.ft., from his wife vide Sale Deed dated 27.04.2009 in Doc No.1759/2009 on the file of SRO, Avaraipakkam. Thereafter, petitioner obtained loan and constructed a house. While so, after a period of 10 years, the impugned notice dated 21.11.2019 has been issued stating that the petitioner is an encroacher of the Highway land. Petitioner submitted a representation on 13.12.2019 to the respondent. Since no action was taken, the present petition has been filed seeking the aforesaid relief.

4. Learned Special Government Pleader appearing for respondent, relying on the counter, submits that revenue authorities inspected and marked Highways boundaries in Avanipur Village and identified 29 encroachers and the petitioner is one among them. Show cause notices were issued to them as per Section 28 of Tamil Nadu Highways Act, 2001, for removal of encroachment.

5. Be that as it may, the petitioner's representation dated 13.12.2019 is pending on the file of respondent. Hence, the respondent is directed to consider the petitioner's representation, afford an opportunity of personal hearing to the petitioner and in the event of finding any encroachment, proceed further to remove the same in accordance with law. The entire exercise shall be completed within a period of eight weeks from the date of receipt of this order.

The Writ Petition is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

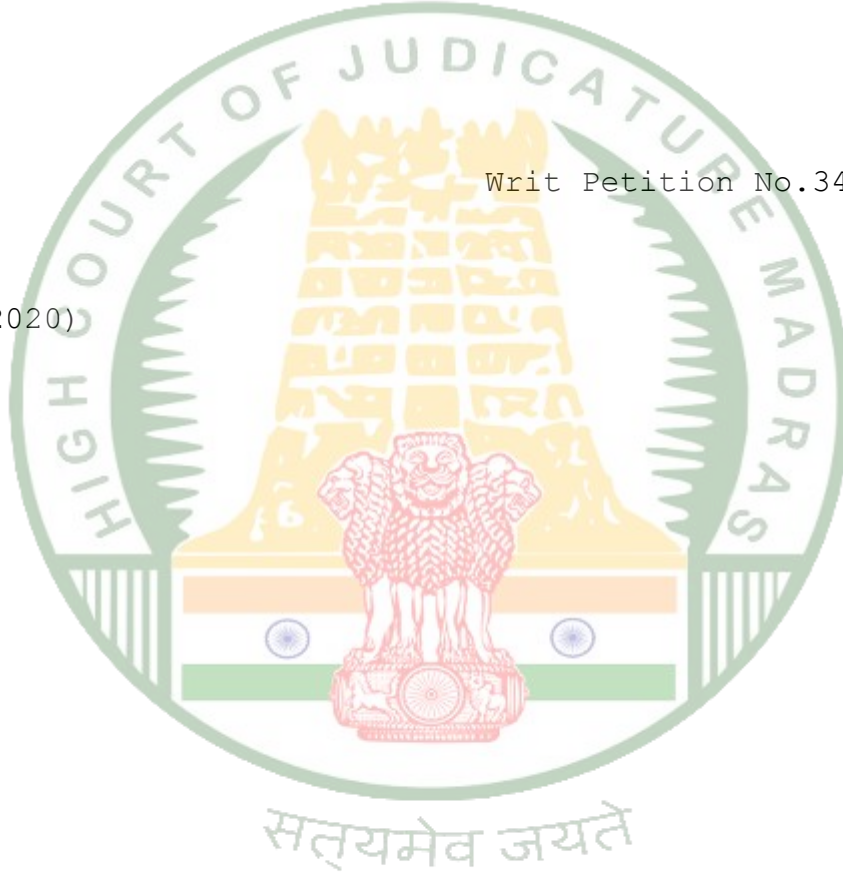
To

The Assistant Divisional Engineer,
Highways Department (O&M),
Tindivanam,
Villupuram District.

+1 CC to Mr.G.Magesh Kumar, Advocate sr 8315.
+1 Cc to Govt. Pleader sr 9475.

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SP(21/02/2020)



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