



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P. (MD) No.16068 of 2020

and

W.M.P. (MD) No.13464 of 2020

Karuppasamy

: Petitioner

Vs.

1.The Deputy General Manager (Tech)
& Project Director,
Project Implementation Unit,
National Highways Authority of India,
Plot No.3, Suriya Towers,
2nd Floor, 1st East Street,
K.K.Nagar, Madurai - 20.

2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari to call for the records of the first respondent in proceedings no.NIL dated 23.10.2020 and quash the same.(Served to the Petitioner on 25.10.2020)

For Petitioner : Mr.M.Jothibasu

For Respondents : Mr.C.Arul Vadivel @ Sekar for R.1

Mr.M.Muthugeethaiyan,
Special Government Pleader for R.2

ORDER

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

The petitioner has filed this writ petition challenging the notice issued under Section 26(2) of the Control of National Highways (Land and Traffic) Act, 2002, dated 23.10.2020, contending that the eviction order has been passed against the petitioner, without giving him an opportunity of hearing.



2. Mr.Arul Vadivel @ Sekar, learned Counsel takes notice for the first respondent and Mr.M.Muthugeethaiyan, learned Special Government Pleader takes notice for the second respondent.

3. The learned Counsel for the first respondent would submit that the property comprised in S.No.233/492 has been acquired for the purpose of expanding the national highway and for taking possession only, the impugned notice under Section 26(2) of the Act has been issued. Even in the notice, it has been stated that if the petitioner is having any grievance, he can very well make his representation to the authority within a period of three days, but, instead of making his representation, the petitioner has filed this writ petition. He would further submit that a similar notice has already been issued and the same has been set aside by this Court in W.P.No.26918 of 2019, dated 18.12.2019, giving liberty to the authorities to issue a fresh notice.

4. As has been rightly pointed out by the learned Counsel for the first respondent, the notice impugned in this writ petition is nothing but a show cause notice, calling for the petitioner to make his objections, if any, for the removal of unauthorized occupation. Therefore, the petitioner is required to make his representation, before the first respondent. In any event, this Court feels that the three days time granted by the authority is not sufficient.

5. In such view of the matter, two weeks time is granted to the petitioner, from today, enabling him to give his representation / reply to the first respondent and on receipt of the same, the first respondent shall consider and pass appropriate orders, in accordance with law, within a further period of two weeks thereafter. Till such time, the petitioner's possession shall not be disturbed.

6. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gk

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

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+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-22120[F] dated
19/11/2020)

W.P. (MD) No.16068 of 2020
18.11.2020

VB (27.11.2020) 3P 3C