



WEB COPY

W.P.(MD)Nos.17190 and 17192 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)Nos.17190 and 17192 of 2020

and

W.M.P. (MD)Nos.14380, 14381 and 14383 of 2020

W.P. (MD)No.17190 of 2020

Packiaraj

... Petitioner

Vs.

The Assistant Divisional Engineer(Highways),
Construction and Maintenance,
Nanguneri,
Tirunelveli District.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned notice in Thakeethu No.1/2020/A1/date .. 11.2020, dated 16.11.2020, on the file of the respondent and quash the same as illegal.

W.P. (MD)No.17192 of 2020

Rathinadas

... Petitioner

Vs.

The Assistant Divisional Engineer(Highways),
Construction and Maintenance,
Nanguneri,
Tirunelveli District.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned notice in Thakeethu No.1/2020/A1/date .. 11.2020, dated 16.11.2020, on the file of the respondent and quash the same as illegal.

For Petitioner

in both petitions : Mr.N.Anandakumar

For Respondent

in both petitions : Mr.M.Muthugeethaiyan
Special Government Pleader



COMMON ORDER

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

The impugned order, dated 16.11.2020, passed by the respondent, under Section 7 of the Tamil Nadu Land Encroachment Act 1905, has been challenged by the encroachers on the State Highways in these writ petitions.

2. When the matters are called today, Mr.M.Muthugeethaiyan, learned Special Government Pleader appearing for the respondent would submit that action has been taken pursuant to the directions given by this Court in W.P.(MD)No.8808 of 2020, dated 07.08.2020.

3. In view of the above, if any interim order is granted, it amounts to staying of the earlier order passed by this Court in W.P.(MD)No.8808 of 2020, dated 07.08.2020. Even though, notice has been issued under Section 7 of the Tamil Nadu Land Encroachment Act 1905, the State Highways Authorities have got powers under Section 28 of the said Act to issue notice and take possession of the properties and therefore, notice issued under Section 7 of the Tamil Nadu Land Encroachment Act 1905 shall be treated as the one issued under Section 28 of the Tamil Nadu Land Encroachment Act 1905.

4. Mr.N.Anandakumar, learned Counsel appearing for the petitioners would submit that the petitioners require fifteen days time to vacate the premises.

5. In view of the undertaking given by the petitioners, the petitioners shall vacate the encroached properties on the State Highways within a period of fifteen days ie., **on or before 16.12.2020**, failing which, the respondent shall vacate the petitioners without any further notice and file a report before this Court on **18.12.2020**.

6. With the above directions, the Writ Petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

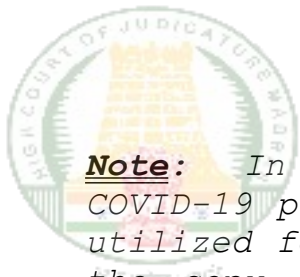
Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SSL



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.

To

The Assistant Divisional Engineer(Highways),
Construction and Maintenance,
Nanguneri,
Tirunelveli District.

copy to
The Section Officer,Writ Section,
Madurai Bench of Madras High Court, Madurai.
(to follow up the report)

+1 CC to M/s.GP (SR-23621[F] dated 02/12/2020)

W.P. (MD)Nos.17190 and 17192 of 2020
and
W.M.P. (MD)Nos.14380, 14381 and 14383 of 2020
01.12.2020

ns (CO)
TR(09.12.2020) 3P 4C