



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.18707 of 2020

and

W.M.P. (MD)15636 and 15637 of 2020

Susila

... Petitioner

Vs.

1.The Divisional Engineer(Highways)
Construction and Maintenance,
Madurai-2.

2.The Assistant Divisional Engineer(Highways),
Construction and Maintenance,
Vadipatti, Madurai District.

3.The Assistant Engineer(Highways),
Construction and Maintenance,
Vadipatti Division,
Madurai District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned notice in Na.Ka.No.44/2020/EVA, dated 01.12.2020, issued by the second respondent and quash the same as it is arbitrary and illegal.

For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader

ORDER

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

The petitioner has challenged a show cause notice issued by the second respondent, dated 01.12.2020, for removal of unauthorised construction put up by the petitioner.

2. The learned Counsel appearing for the petitioner would submit that the petitioner has put up only a staircase in the drainage channel and she has constructed the building in the land belonging to her.



3. Though several opportunities were provided to the petitioner, the petitioner has not produced any document available in her favour to show the extent of her property situated in new S.No.22/21 in Kattakulam Village, Vadipatti Taluk and Madurai District.

4. However, the learned Special Government Pleader appearing for the respondents would submit that notice has been issued to the petitioner, on 01.12.2020, by the second respondent and after giving opportunity to the petitioner, the alleged encroachment has been removed by the officials. She has also produced the photographs before this Court to that effect.

5. Recording the submissions made by the learned Special Government Pleader appearing for the respondents, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2021

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

1.The Divisional Engineer(Highways)
Construction and Maintenance,
Madurai-2.

2.The Assistant Divisional Engineer(Highways),
Construction and Maintenance,
Vadipatti, Madurai District.



3.The Assistant Engineer(Highways),
Construction and Maintenance,
Vadipatti Division,
Madurai District.

+1 cc to The Special Government Pleader Sr.No.26873

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