



WEB COPY

W.P.(MD)No.19142 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD)No.19142 of 2020

and

W.M.P. (MD)No.16010 of 2020,16013 of 2020

Paisudeen

... Petitioner

Vs.

1.The Authorised Officer,
National Highways Authority of India,
(Ministry of Road Transport and Highways),
Office of the Project Director,
No.26, 1st Floor, V.G.P., Nagar West,
Vazhuthareddy Village and Post,
Villupuram District-605 401.

2.Rashiya Begum

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the impugned proceedings issued by the first respondent in his proceedings in 11021/NH-227/112/Vol-1/2018/PIU-VPM/1951, dated 07.12.2020 and quash the same.

For Petitioner : Mr.B.Jameel Arasu

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

ORDER

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

The petitioner has challenged a notice issued by the first respondent, dated 07.12.2020, for removal of unauthorised construction put up by the petitioner in the land belonging to the National Highways.

2. The learned Counsel appearing for the petitioner would submit that because of a private dispute between the second respondent and the petitioner, notice has ben issued. He would further submit that the second respondent has encroached upon a Government land and constructed a commercial complex and when the petitioner questioned the same, the present impugned order has been issued against the petitioner.

3. Taking into consideration the allegations made by the petitioner, it is appropriate to direct the first respondent to make inspection and measure all the properties in question and identify the encroachments and issue notice to the encroachers to remove the



encroachments and proceed further in accordance with law by following the procedures, after hearing all the parties, within a period of twelve weeks from the date of receipt of a copy of this order.

4. Since the impugned notice is only a notice, the petitioner is directed to give a reply to the impugned notice. On such receipt of reply from the petitioner, the first respondent shall consider the same within a period of eight weeks thereafter. Till such time, the petitioner's possession shall not be disturbed.

5. With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

6. Post the matter **on 19.01.2021 for reporting compliance.**

Sd/-

Assistant Registrar (CS I)

// 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

The Authorised Officer,
National Highways Authority of India,
(Ministry of Road Transport and Highways),
Office of the Project Director,
No.26, 1st Floor, V.G.P., Nagar West,
Vazhuthareddy Village and Post,
Villupuram District-605 401.

Copy to:

The Section Officer,
Writ Section,

Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.Special Government Pleader, SR No.26624

W.P. (MD)No.19142 of 2020

18.12.2020

VR(CO)

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