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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 15.12.2021

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P. No.26441 of 2021
and WMP.Nos.27910 and 27911 of 2021

A.Rathinasami

.. Petitioner

Versus

- 1.The District Collector,
Cuddalore 607001,
Cuddalore District.
- 2.The Tahsildar,
Chidambaram 608001,
Chidambaram Taluk,
Cuddalore District.
- 3.The Assistant Engineer,
(Construction & Maintenance),
State Highways, Highways Department,
Sirkazhi Main Road,
Chidambaram 608 001,
Chidambaram Taluk, Cuddalore District.
- 4.The Executive Engineer,
(Construction & Operation),
Tamil Nadu Electricity Board,
Chidambaram 608 001,
Chidambaram Taluk, Cuddalore District.

5.K.Jeeva

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus to call for records and quash the proceedings of the third respondent in Ka.Enn.37/2021/U/Po/Ne, dated 29.11.2021 and consequently forbearing respondents from dispossessing petitioner from the shop in S.No.3994/ in Paradur (North) Village, Chidambaram Taluk, Cuddalore District except by due process of law.



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For petitioner : Mr.D.Baskar
For respondents
for RR1 to 4 : Mr.K.V.Sajeev Kumar

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM, J)

The Writ Petition is heard through video conferencing.

2. This Writ Petition has been filed to set aside the order of the third respondent dated 29.11.2021, wherein the petitioner was directed to remove the encroachment in Keerapalaya-Sethiathope Road at 8/8 Kilometers.

3. It is the contention of the petitioner that a Writ Petition W.P.No.20014 of 2021 was filed by the fifth respondent herein seeking direction to remove the encroachment in Survey No.36 at Parathur North Village by considering his representation dated 18.01.2021. The said Writ Petition was disposed of, directing the respondents 1 to 3 to take appropriate action on the representation of fifth respondent herein in accordance with law, after affording ample opportunity to the necessary parties. The impugned order came to be passed by the third respondent pursuant to the direction issued by this Court in W.P.No.20014 of 2021. The only grievance of the petitioner is that without affording reasonable opportunity to the petitioner, a direction was given to remove the encroachment.

4. The learned Special Government Pleader appearing for the respondents 1 to 4 has produced a letter of the third respondent dated 14.12.2021 and submitted that the third respondent has withdrawn the notice impugned in this Writ Petition and the petitioner was directed to attend enquiry on 17.12.2021. It is also stated that during enquiry, if it is found that the petitioner encroached upon the land belongs to the State Highways, the same will be removed after issuing show cause notice and by following the procedures contemplated under the Act.

5. In the light of the above submissions of the learned Special Government Pleader, we are of the considered view that



nothing remains for consideration in this Writ Petition. Accordingly, the Writ Petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

pvs

To

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Chidambaram 608 001,
Chidambaram Taluk, Cuddalore District.

+1cc to Mr.D.Baskar, Advocate SR. No.67404

W.P. No.26441 of 2021

NMI (CO)
PR (19/01/2022)