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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.P. (MD) Nos.331, 335 to 338 of 2021

and

W.M.P. (MD) Nos.248 to 255, 260 & 261 of 2021

Pragasam : Petitioner in WP (MD) No.331/21
Penniyameen : Petitioner in WP (MD) No.335/21
Kamala : Petitioner in WP (MD) No.336/21
Poolenthiran : Petitioner in WP (MD) No.337/21
Prabhakaran : Petitioner in WP (MD) No.338/21

Vs.

1.The Divisional Engineer,
National Highways,
Highways Department,
Tiruchirappalli.

2.The Assistant Divisional Engineer,
National Highways,
Tiruchirappalli.

: Respondents in all WPs.

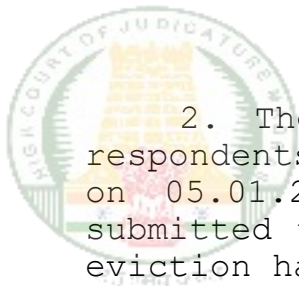
COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notices no.NIL, dated 15.12.2020 of the 2nd respondent and quash the same and consequently, directing the respondents to consider the representation of the petitioners dated 17.12.2020 within a stipulated time limit.

For Petitioners : Mr.M.Jegadeesh Pandian[In all WPs]
For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader
[In all WPs]

COMMON ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

In all these writ petitions, a challenge has been made to the impugned notices issued by the second respondent, which are nothing but show cause notices.



2. The learned Special Government Pleader appearing for the respondents submitted that evictions have already been carried out on 05.01.2021. However, the learned Counsel for the petitioner submitted that only in respect of W.P.(MD)No.335 of 2021 alone, the eviction has been carried out and not in other cases.

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3. In view of the submission made by the learned Special Government Pleader that evictions have already been carried out, nothing survives for further adjudication in these writ petitions. However, if the evictions are not yet carried out in W.P.(MD) Nos.331, 336 to 338 of 2021, as stated by the learned Counsel for the petitioners, then the representations of these petitioners will have to be considered.

4. Since there is no indication, by way of any acknowledgment, for having made the representations, the petitioners in W.P(MD) Nos.331, 336 to 338 of 2021 shall give copies of their representations to the second respondent within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the second respondent shall consider the same pass appropriate final orders, in accordance with law, within a further period of four weeks thereafter. Till such time, no coercive action should be taken. Thus, it is made clear that, any eviction, if not already done, can only be made after passing appropriate final orders, holding that there are, indeed, encroachments.

5. With the above observations and directions, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk

To

1.The Divisional Engineer,
National Highways,
Highways Department,Tiruchirappalli.

2.The Assistant Divisional Engineer,
National Highways, Tiruchirappalli.

+1 CC to M/s.SPL GP (SR-963,962,961,960,964[F] dated 18/01/2021)
W.P. (MD) Nos.331, 335 to 338 of 2021
08.01.2021

CK(CO)

<https://hcs2.ecourt.gov.in/services> 2P 4C