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**W.P.(MD)No.10746 of 2021**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2021

CORAM

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.10746 of 2021

W.M.P. (MD) No.8365 of 2021

Thangamuthammal

... Petitioner

Vs.

1.The Divisional Engineer,  
Highways and Rural Works, (Maintenance)  
Tirunelveli - 627 002.  
Tirunelveli District.

2.The Assistant Divisional Engineer,  
Highways and Rural Works, (Maintenance)  
Radhapuram, Tirunelveli District.

3.The Junior Engineer,  
Highways,  
Radhapuram,  
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the Impugned Order in **கடித எண்.67/2020/அ1** dated 18.06.2021 of the 1<sup>st</sup> Respondent and to quash the same.

For Petitioner

: Mr.J.Ashok

For Respondent Nos.1 to 3

: Mr.R.Baskaran

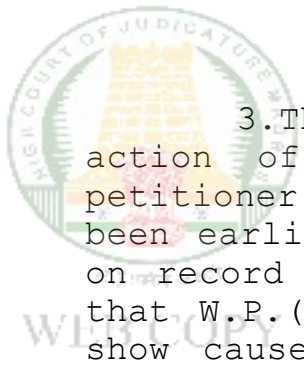
Standing Counsel for Government

### **ORDER**

**(Order of the Court was made by T. S. SIVAGNANAM, J.)**

Heard Mr.J.Ashok, learned counsel for the petitioner and Mr.R.Baskaran, learned Standing Counsel for Government, who accepts notice for the respondents.

2.In the light of the manifest error, which is also available on the face of the impugned order, we dispose of the Writ Petition at the stage of admission itself.



3.The petitioner is before this Court, challenging the action of the first respondent in attempting to evict the petitioner immediately from the property in question. There have been earlier Writ Petitions, which may not be necessary to bring on record at this juncture. However, it is suffice here to note that W.P.(MD) No.896 of 2021 has been filed to quash the second show cause notice dated 04.01.2021. The Division Bench of this Court by order dated 20.01.2021, after taking note of the fact that the petitioner has filed representation dated 29.12.2020, directed the representation to be considered and final orders be passed within a period of four weeks. Till such time, the *status quo* was directed to be maintained.

4.Unfortunately, the first respondent did not understand the order and direction issued by the Court and issued notice dated 18.06.2021, directing the petitioner to vacate immediately, without referring to any of the contentions, which were advanced in the reply/objection dated 29.12.2020. Once again, the petitioner was before this Court by filing W.P.(MD) No.4119 of 2021, challenging the notice dated 10.02.2021. Once again the Division Bench of this Court after seeing that manifest error, disposed of the Writ Petition by order dated 02.03.2021, by directing to treat the notice dated 10.02.2021, as a Show Cause Notice and the relevant files were directed to be transferred by the Assistant Divisional Engineer, Highways and Rural Works (Maintenance), Radhapuram to the Divisional Engineer concerned. This direction was issued on the fond hope that atleast the Divisional Engineer will understand the order and consider the reply given by the petitioner and find out whether the petitioner has made out any case or any grounds, which are sustainable in the representation and then to take a decision. Unfortunately, the Divisional Engineer also committed the same mistake by not passing any final order, but merely stating that the petitioner would be evicted. Since the order suffers manifest error on the face of the record, the same calls for interference.

5.Accordingly, the Writ Petition is allowed, the impugned notice is quashed and the matter is remanded to the first respondent to carefully peruse the directions issued by this Court in its order dated 20.01.2021, filed in W.P.(MD) No.896 of 2021 and to consider the objection raised by the petitioner dated 29.12.2020, by affording an opportunity of personal hearing to the petitioner and after noting all the points raised in the objection pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. Till then the *status quo*, which is prevailing as on today (30.06.2021) shall be maintained.



6.The Writ Petition stands disposed of with the above directions and observations. No costs. Consequently, connected Miscellaneous Petition stands closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

**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 and Rural Works, (Maintenance)  
Tirunelveli - 627 002.  
Tirunelveli District.

2.The Assistant Divisional Engineer,  
Highways and Rural Works, (Maintenance)  
Radhapuram, Tirunelveli District.

3.The Junior Engineer,  
Highways,  
Radhapuram,  
Tirunelveli District.

+1 CC to SPL GP ( SR-20885[F] dated 01/07/2021 )

**W.P. (MD)No.10746 of 2021**

**30.06.2021**

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KM(08.07.2021) 3P 5C