



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.(MD) No.10958 OF 2021

and

W.M.P(MD).No.8598 of 2021

S.Muthurani

.. Petitioner

Vs

1. The Assistant Divisional Engineer,
Highways (C&M) Department,
Palayamkottai, Tirunelveli.

2. The Project Officer,
(Magalir Thittam),
Collectorate Campus,
Tirunelveli.

3. Tamil Nadu State Rural Livelihood Mission,
Rep. by its Block Mission Manager,
Block Mission Management Unit,
Devarkulam Panchayat Federation,
Devarkulam, Maanur Taluk,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari calling for the records relating to the impugned order passed by the first respondent in Notice No.94-1/2021/A1 dated 24.06.2021 and quash the same as illegal.

For Petitioner

: Mr.Aayiram K.Selvakumar

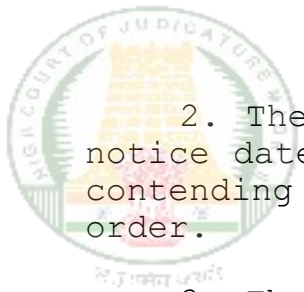
For respondents

: Mr.R.Baskaran,
Standing Counsel for
Government
for R1 and R2

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.Aayiram K.Selvakumar, learned counsel appearing for the petitioner and Mr.R.Baskaran, learned Government Counsel appearing for the respondents 1 and 2.



2. The petitioner has filed this writ petition challenging the notice dated 24.06.2021, which is titled as a show cause notice, by contending that it is not a show cause notice, but it is an eviction order.

3. The second contention is that the writ petitioner is not an encroacher, but she is a lawful occupant of shop No.20 in Poomalai Commercial Complex and therefore, she cannot be termed as an encroacher.

4. In the impugned notice, though it is mentioned as a show cause notice, it is directed a removal of encroachment. But, however, the encroachment alleged is on a road margin and there is no indication that the respondents are attempting to interfere with the shop No.20, which, according to the writ petitioner to be in lawful occupation.

5. In the light of the same, we direct the first respondent to conduct an inspection of the area in question and enquire the petitioner and one Saravanan, examine as to whether the petitioner has been granted a license in respect of shop No.20 and on enquiry, if it is found that other than allotted shop, if there is any additional constructions put up, then action should be taken for removal of the encroachment. In order to ensure that appropriate action be taken by the Authorities, the encroachment shall be demarcated and then action to be initiated.

6. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

Note :

1. 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 Assistant Divisional Engineer,
Highways (C&M) Department,
Palayamkottai, Tirunelveli.

2. The Project Officer,
(Magalir Thittam),
Collectorate Campus,
Tirunelveli.

+1 CC to M/s.SPL GP (SR-21192[F] dated 05/07/2021)

W.P. (MD) No.10958 of 2021
02.07.2021

KK(05.07.2021) 3P 4C