



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

W.P(MD)No.13739 of 2021

and

W.M.P(MD)Nos.10670 & 10672 of 2021

C.Navaneetha Krishnan

... Petitioner

Vs.

The Assistant Divisional Engineer,  
O/o.The Assistant Divisional Engineer,  
Construction and Maintenance,  
Department of Highways,  
Peraiyur, Madurai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for records pertaining to impugned order in Letter No.கு.எண் .1/2021/,வஅ/நாள் dated 16.07.2021 (signed on 19.07.2021) on the file of the respondent and quash the same as illegal.

For Petitioner

: Mr.I.Pinaygash

For Respondent

: Mr.B.Saravanan

Government Advocate

**ORDER**

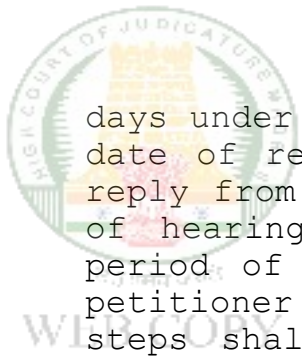
(Order of the Court was made by **N.KIRUBAKARAN, J.**)

The petitioner has challenged the eviction order passed by the respondent on 16.07.2021, in which, it is alleged that the petitioner has encroached upon the property comprised in Survey No.112/3, Kudichery Village by putting up construction.

2.Heard Mr.I.Pinaygash, learned counsel appearing for the petitioner and Mr.B.Saravanan, learned Government Advocate appearing for the respondent.

3.The impugned order, dated 16.07.2021 does not disclose that a previous notice has been given and an opportunity of hearing has been given to the petitioner.

4.In view of that, the petitioner is directed to treat the impugned order as a notice and give a reply within a period of seven



days under Section 28 of the Tamil Nadu Highways Act, 2001, from the date of receipt of a copy of this order and on such reception of reply from the petitioner, the respondent shall give an opportunity of hearing to the petitioner and pass reasoned orders within a period of eight weeks thereof. Till opportunity is given to the petitioner and consequential order has been passed, no coercive steps shall be taken by the respondent to disturb the property, which is being used as dwelling house and xerox shop by the petitioner.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

**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 Assistant Divisional Engineer,  
O/o. The Assistant Divisional Engineer,  
Construction and Maintenance,  
Department of Highways,  
Peraiyur, Madurai District.

+1 CC to M/s.SPL GP ( SR-25770[F] dated 10/08/2021 )

W.P(MD)No.13739 of 2021  
09.08.2021

SSS(CO)  
KB(17.08.2021) 2P 3C