



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.16582 of 2021

and

W.M.P(MD)Nos.13463 & 13464 of 2021

Sakkaidhathan Vagayara,
Rep. by its
Rajagopal.

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Assistant Divisional Engineer (Highways)
(Construction and Maintenance),
Madurai West,
Alagar Kovil Road, Thamarai Thotti,
Madurai - 625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.302/2021/இவா dated 17.08.2021 passed by the second respondent as illegal and quash the same consequently directing the second respondent not to demolish the Sakkaipuli Temple situated at Poikaraipatti Village, Madurai to Alagarkovil State Highways.

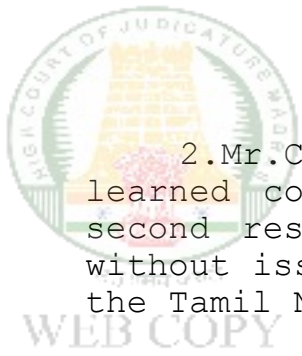
For Petitioner : Mr.C.M.Arumugam
for Mr.A.Vadivel

For Respondents : Mr.B.Saravanan
Government Advocate

ORDER

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

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 17.08.2021 passed by the second respondent and to quash the same and consequently directing the second respondent not to demolish Sakkaipuli Temple situated at Poikaraipatti Village, Madurai to Alagarkovil State Highways.



2.Mr.C.M.Arumugam, learned counsel representing Mr.A.Vadivel, learned counsel appearing for the petitioner, submitted that the second respondent has passed the impugned order dated 17.08.2021 without issuing a mandatory show-cause notice under Section 28(2) of the Tamil Nadu Highways Act, 2001.

3.Mr.B.Saravanan, learned Government Advocate taking notice for the respondents, submitted that the petitioner may be directed to treat the impugned order dated 17.08.2021 as a show-cause notice and may be directed to give a reply within a time frame and thereafter the second respondent would pass final orders.

4.The learned counsel appearing for the petitioner also agreed for the submissions made by the learned Government Advocate appearing for the respondents.

5.Having regard to the submissions made by the learned counsel on either side, we direct the petitioner to treat the impugned order dated 17.08.2021 as a show-cause notice and give his reply to the second respondent within seven days from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to pass final orders as expeditiously as possible.

6.With these observations, the Writ Petition is disposed of. No cost. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

indu/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

1.The District Collector,
Madurai District, Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Assistant Divisional Engineer (Highways)
(Construction and Maintenance),
Madurai West,
Alagar Kovil Road, Thamarai Thotti,
Madurai - 625 002.

+1 CC to M/s.A.VADIVEL, Advocate (SR-29195[F] dated 15/09/2021)

W.P (MD) No.16582 of 2021
15.09.2021

SE (CO)
TR/JGP/SAR-IV(16.09.2021) 3P 4C