



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.09.2021**

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

W.P(MD)NO.17742 OF 2021

and

W.M.P(MD)No.14635 of 2021

Bavani

:Petitioner

.vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Tahsildar,
Taluk Office,
Rameswaram Taluk,
Ramanathapuram District.
- 3.The Assistant Divisional Engineer,
National Highways Department,
Ramanathapuram,
Ramanathapuram District.
- 4.The Junior Engineer,
National Highways Department,
Rameswaram,
Ramanathapuram District.
- 5.The General Manager,
Sivagangai District Cooperative Milk Producers
Union Limited,
Kalanivasal,
Karaikudi,
Sivagangai District.
- 6.The President,
Thangatchimadam Village Panchayat,
Rameswaram Taluk,
Ramanathapuram District.



7.J.Prabhakaran

8.K.Sethuraman,
Aavin Milk Agent,
Central Bus Stop,
Thangatchimadam and Village,
Rameswaram Taluk,
Ramanathapuram District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the order passed by the fourth respondent in his proceedings in Ku.Ka.No.Avin/2021/E.Ni.Po/dated 17.09.2021 and to quash the same.

For Petitioner : Mr.R.Jegadeeswaran

For Respondents : Mr.B.Saravanan
1 to 4 and 6 Government Advocate

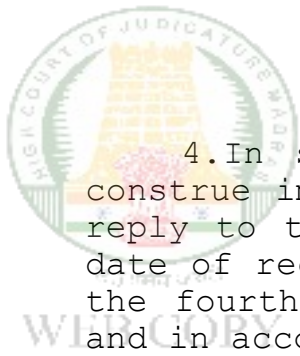
O R D E R

[Order of the Court was made by **M.DURAISWAMY., J.**]

The Petitioner has filed the above Writ Petition to issue a Writ of Certiorari calling for the records pertaining to the order passed by the fourth respondent, dated 17.09.2021 and to quash the same.

2.By the impugned notice, dated 17.09.2021, the fourth respondent had called upon the Petitioner to remove the encroachment within a weeks' time. In the said impugned notice, the fourth respondent has stated that pursuant to the order passed by the Division Bench of this Court, dated 17.09.2021, in W.P(MD)No.15949 of 2021, the fourth respondent is taking action for the removal of the encroachment. Further, it is stated in the impugned order that this Court has directed the fourth respondent to remove the encroachment within a period of four weeks.

3.On a perusal of the order passed on 17.09.2021 in W.P(MD) No.15949 of 2021, it could be seen that we have only directed the official respondents to file the status report and issue notice to the private respondents returnable in four weeks. This Court has not given any direction to the fourth respondent to remove the encroachment within a period of four weeks. In any event, the alleged encroachment made by the Petitioner can be removed only by following the due process of law by issuing notice.



4.In such view of the matter, the Petitioner is directed to construe impugned notice, dated 17.09.2021 as a notice and give his reply to the fourth respondent within a period of 7 days from the date of receipt of a copy of this order and on receipt of the same, the fourth respondent is directed to pass final orders on merits and in accordance with law, as expeditiously as possible.

5.With these observations, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

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 District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Tahsildar,
Taluk Office,
Rameswaram Taluk,
Ramanathapuram District.
- 3.The Assistant Divisional Engineer,
National Highways Department,
Ramanathapuram,
Ramanathapuram District.



4.The Junior Engineer,
National Highways Department,
Rameswaram,
Ramanathapuram District.

5.The President,
Thangatchimadam Village Panchayat,
Rameswaram Taluk,
Ramanathapuram District.

+1 CC to M/s.SPL.GP (SR-30729[F] dated 30/09/2021)

ORDER MADE IN
W.P (MD) NO.17742 OF 2021
and
W.M.P (MD) No.14635 of 2021
29.09.2021

MA (CO)
TR/SKN(30.09.2021) 4P 7C