



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**
AND
THE HONOURABLE MRS.JUSTICE **S.ANANTHI**

W.P. (MD)No.19916 of 2020
and
W.M.P. (MD)No.16590 of 2020

S.M.Savrimuthu

: Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Trichy District.

2.The Assistant Divisional Engineer,
National Highways Department,
No.60, Sundarraaj Nagar,
Highways Colony, Pudukkottai Road,
Trichy - 620 020.

3.The Assistant Engineer,
National Highways Department,
Sector No.2,
Trichy City.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus forbearing the respondents from in any manner proceeding with the removal of encroachment in furtherance of the show cause notice issued by the second respondent dated 05.12.2020 by considering the petitioner's explanation dated 09.12.2020.

For Petitioner: Mr.K.M.Karunakaran

For Respondents: Mr.K.P.Krishnadoss,
Special Government Pleader

ORDER

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

The sum and substance of the grievance of the petitioner is that though a show cause notice has been issued by the second respondent dated 05.12.2020 and a reply was also given by the



petitioner on 09.12.2020, without passing any final orders, coercive action is sought to be taken.

2. From the submission made, we are of the view that the second respondent cannot proceed further, without passing any final order. Admittedly, the notice dated 05.12.2020 is a show cause notice, as indicated therein. The petitioner has also given his reply to the same, on 09.12.2020. In such view of the matter, the second respondent shall consider the reply given by the petitioner and pass appropriate orders, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. After passing such orders, it is open to the authority to proceed further. Till such time, *status quo*, as on date, shall be maintained.

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

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk
To

1.The District Collector,
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National Highways Department,
No.60, Sundarraaj Nagar,
Highways Colony, Pudukkottai Road,
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3.The Assistant Engineer,
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Sector No.2,
Trichy City.

+1 CC to SGP (SR-300[F] dated 06/01/2021)

W.P. (MD)No.19916 of 2020

05.01.2021

NR (19/01/2020) 2P : 5C