



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE **M.M. SUNDRESH**

AND

THE HONOURABLE MRS. JUSTICE **S. ANANTHI**

W.P. (MD) Nos. 19720, 19725 & 19726 of 2020

and

W.M.P. (MD) Nos. 16445, 16449 & 16451 of 2020

Ganesan : Petitioner in WP. (MD) No. 19720/20

Manikandan : Petitioner in WP. (MD) No. 19725/20

Indra.A : Petitioner in WP. (MD) No. 19726/20

Vs.

1. The Divisional Engineer,
National Highways,
Subramaniyapuram,
Trichy - 20.

2. The Assistant Divisional Engineer,
National Highways,
Subramaniyapuram,
Trichy - 20.

: Respondents in all petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India seeking a Writ of Certiorari calling for records pertaining to the impugned notices of the second respondent dated 15.02.2020 and quash the same.

For Petitioners : Mr. B. Prasanna Vinoth
For Respondents : Mr. K. P. Krishnadoss,
Special Government Pleader
[In all WPs]

COMMON ORDER

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

In view of the commonality of the issues involved in all these writ petitions, all of them have been taken up together and are disposed of by way of this common order, particularly, in view of the facts being the same and verbatim impugned orders having been passed.

2. The learned Counsel appearing for the petitioners made only one submission. It is submitted by him that the impugned notices, though are styled as show cause notices, are construed as final orders and accordingly, eviction proceedings have been initiated.



According to him, the respondents are proceeding to demolish the constructions.

3. Mr.K.P.Krishnadoss, learned Special Government Pleader, who took notice on behalf of the respondents, submitted that the impugned notices themselves clearly say that they are show cause in nature and therefore, there is no basis for the writ petitions being entertained.

4. No doubt, the impugned notices clearly indicate that they are show cause notices. The petitioners have also given their response to the same. Therefore, the second respondent is expected to pass final orders. If the second respondent had already passed the final orders, it is very well open to the said authority to proceed further. Until and unless such orders are passed and served on the petitioners, there is no question of proceeding further to demolish the encroachments, said to have been made by the petitioners.

5. If final orders are not yet passed, the second respondent shall pass such orders within a period of two weeks from the date of receipt of a copy of this order, after taking note of the reply given by the petitioners, if any. Thereafter, it is open to the said authority to proceed further. Thus, it is made clear that so long as any final order is passed, the second respondent shall not proceed towards the demolition of the alleged encroachment.

6. With the above observation and direction, all these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk

To

1.The Divisional Engineer,
National Highways,Subramaniyapuram, Trichy - 20.

2.The Assistant Divisional Engineer,
National Highways, Subramaniyapuram, Trichy - 20.

+1 CC to M/s.SPL GP (SR-78 , 79[F] dated 05/01/2021)

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MK (CO)

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