



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2021

CORAM:

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

AND

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

W.P. (MD) No.19952 of 2020

and

W.M.P. (MD) Nos.16613 & 16614 of 2016

Devakumar

: Petitioner

Vs.

1. The Divisional Engineer (Highways),
Construction & Maintenance,
Ramanathapuram.

2. The Assistant Divisional Engineer (Highways),
Construction & Maintenance,
Ramanathapuram.

3. The Assistant Engineer (Highways),
Construction & Maintenance,
Ramanathapuram.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari calling for the records relating to the impugned notice issued by the 2nd respondent in Ku.No.75/2020/A2, dated 09.12.2020 and quash the same.

For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mr.K.P.Krishnadoss

Special Government Pleader

ORDER

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

The petitioner has come forward to file this writ petition challenging the proceedings of the second respondent dated 09.12.2020, asking the petitioner to remove the encroachment, failing which, it has been stated that consequential action would follow.

2. It appears that the petitioner filed a suit against the respondents, which was dismissed. An appeal was filed in A.S.No.36 of 2015 before the Sub Court, Ramanathapuram. This appeal was dismissed for non-prosecution. Thereafter, the petitioner filed an application in I.A.No.2 of 2021 before the Sub Court to condone the



delay in filing the application to restore the appeal. In the meanwhile, the impugned order has been passed, by taking note of the dismissal of the appeal.

3. In view of the above, we direct the learned Subordinate Judge, Ramanathapuram, to dispose of the application in I.A.No.2 of 2021 in A.S.No.36 of 2015, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Inasmuch as the order impugned has been passed by taking note of the dismissal of the appeal, the respondents are directed to maintain *status-quo* till the disposal of I.A.No.2 of 2021.

4. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk

To

1. The Subordinate Judge, Ramanathapuram.
2. The Divisional Engineer (Highways),
Construction & Maintenance, Ramanathapuram.
3. The Assistant Divisional Engineer (Highways),
Construction & Maintenance, Ramanathapuram.
4. The Assistant Engineer (Highways),
Construction & Maintenance,
Ramanathapuram.

Copy to: The Registrar(Judicial),
Madurai Bench of Madras High Court,
Madurai.

+1cc to the SPL GP SR.No.684.

W.P. (MD) No.19952 of 2020
07.01.2021

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