



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.02.2022**

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD)No.2302 of 2022

and

W.M.P (MD) No.2011 of 2022

M.P.Ravikumar

...Petitioner

Vs.

1.The Divisional Engineer

Divisional Engineer Highways Nabard and
Rural Roads Madurai,
W4VR+5HW, K.K.Nagar,
Ramaond Reserve Line,
Race Course Colony,
Tamil Nadu - 625 002.

2.The Assistant Divisional Engineer,

Assistant Divisional Engineer Highways
Nabard and Rural Roads Madurai
27, 11th Street, Karpaga Nagar,
K.Pudur,
Madurai - 625 007.

3.The Commissioner

Madurai Corporation,
Arignar Anna Maligai
Madurai - 625 002.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records in connection with impugned notice in Na.Ka. No.189/2021/E.Va.Aa on 07.07.2021, issued by the second respondent and consequently to quash the same and to permit the petitioner to run the M.P.Ambulance Service in the above-said property continuously, based on the petitioner's representation, dated 21.12.2021.

For Petitioner

: Mr.B.Sukumar

For Respondents 1 & 2

: Mr.P.Thilak Kumar,
Government Pleader

For 3rd Respondent

: Mr.K.K.Kannan
Standing Counsel

O R D E R

(Order of the Court was made by PUSHPA SATHYANARAYANA,J.)

This Writ Petition is directed against the eviction notice,
dated 7.7.2021.

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



2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petitioner was originally given permission under the Tamil Nadu Highways Act for running a petty shop for one year from 20.4.2011 to 20.4.2012. After the said permission got expired, the Petitioner has not taken steps to get it renewed and he has been squatting over the property for the past ten years. Though the licence was granted for running a petty shop, he is doing Ambulance Service.

4.Since it is on the Highways, the respondents had issued the impugned notice calling upon him to submit his objections on or before 13.07.2021. Admittedly, the Petitioner has not responded to the said notice.

5.Therefore, it is open to the authorities to remove the encroachment and restore the road. Though the impugned notice is dated 7.7.2021, the Writ Petition is filed challenging the same on 27.01.2022 and there is no valid reason given for the delay on the part of the Writ Petitioner.

6.The learned Government Pleader appearing for the respondents 1 and 2 states that the Petitioner is doing ambulance service.Considering the Covid Pandemic, they did not take any coercive steps.

7.Since the permission granted already is not renewed, the Petitioner has got no right to occupy the said place. Considering the fact that the Petitioner has been in the said place for the past ten years, we grant one month time to the Petitioner to vacate and hand over the possession of the encroachment in question to the Highways Authorities.

8.With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

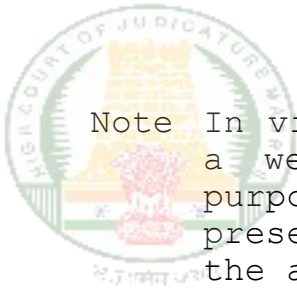
Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)

vsn



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.

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To

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+1 CC to M/s.K.K.KANNAN, Advocate (SR-4311[F] dated 04/02/2022)

+1 CC to M/s.SPL.GP (SR-4534[F] dated 07/02/2022)

W.P (MD) No.2302 of 2022
04.02.2022

SVS (CO)
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