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W.P.No. 6147 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2023

CORAM

THE HON'BLE MR.JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MRS. JUSTICE R. KALAIMATHI

W.P. No. 6147 of 2022

&

W.M.P. No. 6165 of 2023

1.	Easwari	
2.	Mr. Vijayan	
3.	Mr. Subramani	
4.	K. Ramasamy	
5.	Karupayee	
6.	Mr. Veeramani	..Petitioners
		Vs.

1.	The District Collector, District Collector Office, Erode.
2.	The Thasildar, Anthiyur, Erode District.
3.	The Assistant Engineer, Highways Department, Anthiyur,

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Erode District.

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4. R. Chinnusamy

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent dated 25.01.2023 issued under Section 28(2)(ii) of the Tamil Nadu Highways Act, 2001 against the petitioners and quash the same as illegal, arbitrary, unsustainable in law and forbear the respondents 1 to 3 from disturbing the petitioners peaceful possession over the lands in Re.Survey No.418/1 situated at No.28, Ammapettai B Village, Anthiyur Taluk, Erode District – 638 311.

For Petitioners :: Mr.AR.M. Arunachalam

For Respondents :: Mr.P. Muthukumar,
State Government Pleader
assisted by
Mr.P. Balathandayutham
Special Government Pleader

O R D E R

The writ petition is filed challenging the proceedings of the 3rd



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respondent dated 25.01.2023 issued under Section 28(2)(ii) of the Tamil Nadu Highways Act, 2001 against the petitioners and quash the same as illegal, arbitrary, unsustainable in law and forbear the respondents 1 to 3 from disturbing the petitioners peaceful possession over the lands in Re.Survey No.418/1 situated at No.28, Ammapettai B Village, Anthiyur Taluk, Erode District – 638 311.

2. When the matter is taken up for hearing, learned counsel for the petitioners would submit that eventhough the petitioners have challenged the show cause notice issued by the Highways Department, 2 months time may be granted to find an alternate place and handover the building to the Highways Department.

3. Eventhough the request made by the learned counsel for the petitioners is resisted by the learned State Government Pleader stating that the writ petition is filed only against a show cause notice for which a reply has to be given and an order has got to be passed, we are of the view that such an exercise will take more time than the time required by the petitioners to vacate the building in question.



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4. Hence, the writ petition is disposed of directing the petitioners to vacate and hand over the building in question to the Highways Department on or before 15.06.2023. No costs. Connected W.M.P. is closed.

nv

(S.V.N.J.) (R.K.M.J.)
02.03.2023

(Note to Office: Issue order copy
on 16.03.2023.)

To

1. The District Collector,
District Collector Office, Erode.
2. The Thasildar,
Anthiyur, Erode District.
3. The Assistant Engineer,
Highways Department, Anthiyur,
Erode District.



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S. VAIDYANATHAN,J.

AND

R. KALAIMATHI,J.

Nv

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02.03.2023