



WEB COPY



WP No.8825 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.8825 of 2023

Selvam

... Petitioner

versus

1.The District Collector,
Vellore District.

2.The Assistant Divisional Engineer (Highway) (C&M),
Highway Department, Vellore District.

3.The Tahsildar,
Vellore Taluk, Vellore District

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice Thakeedhu No.217(22)/2022/Oo dated 08.03.2023 on the file of the 2nd respondent and quash the same as illegal and consequently direct the 1st respondent to provide alternate land prior to eviction of the petitioner from Arcot Road, Opposite to Seenivasa Theatre, Vellore 632 009.

For the Petitioner : Mr.C.Prabhu

For the Respondents : Mr.P.Muthukumar,
State Government Pleader



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ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner has been issued with a show cause notice dated 16.05.2022, under Section 28(2)(ii) of the Tamil Nadu Highways Act, 2001, calling upon him to vacate the encroachment made on the road adjacent to the State Highways, within a period of seven days. Since the petitioner did not remove the encroachment, the impugned order dated 08.03.2023 was issued, directing the petitioner to remove the encroachment before 18.03.2023, failing which, action would be taken to remove the encroachment with the aid of police and revenue officials. Challenging the same, the present writ petition has been filed.

2. Learned counsel for the petitioner would submit that on receipt of the show cause notice dated 16.05.2022, the petitioner has given a detailed representation, by way of legal notice, dated 21.05.2022, and without considering the same, the respondents are not entitled to dispossess the petitioner.



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3. Mr.P.Muthukumar, learned State Government Pleader, would submit that if the representation dated 21.05.2022 given by the petitioner pursuant to the show cause notice is not considered yet, the same would be considered and a reasoned order would be passed by the second respondent/ Assistant Divisional Engineer, Vellore District.

4. Recording the same, the writ petition is disposed of, granting a fortnight's time to the second respondent to consider the representation of the petitioner dated 21.05.2022 and pass appropriate orders. There will be no order as to costs. Consequently, WMP No.8993 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
21.03.2023

Index : Yes/No
Neutral Citation : Yes/No
tar

To

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