



WEB COPY



W.P. No.18290 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2023

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

and

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.P. No.18290 of 2023 & W.M.P. No.17492 of 2023

Jayalakshmi

Petitioner

v

1 The Assistant Divisional Engineer (H)
Construction & Maintenance
Chengalpattu

2 The District Collector
Chengalpattu

3 The Tahsildar
Chengalpattu

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records relating to the proceedings of the first respondent dated 23.03.2023 and quash the same.

For petitioner Ms. P. Annie Jayakumari

For R1 Mr. P. Muthukumar
State Government Pleader

For RR 2 & 3 Mr.J.Ravindran,
Addl.Adv.Gen. (Liaisoning)
assisted by Mr. A. Selvendran
Special Government Pleader



ORDER

This writ petition has been filed seeking quashment of the notice dated 23.03.2023 issued by the first respondent under Section 28(2)(ii) of the Tamil Nadu Highways Act, 2001, whereby and whereunder, the petitioner has been directed to vacate the place encroached upon by her, within a period of seven days, failing which, it has been stated that the encroachment will be removed under the said provision.

2 The impugned notice is dated 23.03.2023 and it is reported that since the petitioner did not take steps to vacate the encroached place, the authorities have taken steps and removed the encroachment on 15.05.2023. To this effect, a communication dated 21.06.2023 addressed by the first respondent to the State Government Pleader is produced before this Court. The relevant portion of the last paragraph of the said communication is extracted below:

“2The encroachment eviction was carried out on 15.05.2023 after giving sufficient time and by following due process of law in the presence of Revenue and Police officials. Since the land in question belongs to Government as per Revenue records, the Hon'ble High Court may please dismiss the writ filed by the encroacher and render justice.”



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In view of the above, we close this writ petition as no further orders are required to be passed. Needless to state that the petitioner shall not encroach the place in question once again. No costs. Connected W.M.P. is also closed.

(S.V.N., J.) (K.R.S., J.)
22.06.2023

cad
To

- 1 The Assistant Divisional Engineer (H)
Construction & Maintenance
Chengalpattu
- 2 The District Collector
Chengalpattu
- 3 The Tahsildar
Chengalpattu



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S. VAIDYANATHAN, J.

and

K. RAJASEKAR, J.

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