

W.A.No.473, 514 and 515 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 2.8.2023

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.A.No.473, 514 and 515 of 2016
C.M.P.No.7055 & 7056 of 2016,
6565 of 2016

Mohanan ... Petitioner/appellant in W.A.No.473 of 2016
Sethuraman ... Petitioner/appellant in W.A.No.514 & 515/2016

Vs.

- 1 The Chief Engineer,
National Highways, Chennai-5 ... Respondent No.1/Respondent No.1 in
W.A.No.514 & 515 of 2016
- 2 The Assistant Divisional Engineer (Highways),
Construction And Maintenance
Chengalpet Kancheepuram District. ... Respondent-2/Respondent in
W.A.No.473 of 2016
Respondent-2 in W.A.No.514 &
515 of 2016

Prayer in W.A.No.473 of 2016 :

Writ Appeal filed under Section 15 of Letters Patent to set aside the order passed in W.P.No.11609 of 2014 dated 5.01.2016 on the file of this Court.

Prayer in W.A.No.514 of 2016 :

Writ Appeal filed under Section 15 of Letters Patent to set aside the order passed in W.P.No.7056 of 2014 dated 5.01.2016 on the file of this Court.

Prayer in W.A.No.515 of 2016 :

Writ Appeal filed under Section 15 of Letters Patent to set aside the order passed in W.P.No.7057 of 2014 dated 5.01.2016 on the file of this Court.

For Appellant in	: Mr.V.Raghavachari, Sr. Counsel for
all the appeals	Mrs.V.Srimathi
For Respondent-1 &2	: Mrs.Geetha Thamaraiselvam, Spl.G.P.
in all the appeals	

COMMON ORDER

(Order of the Court was delivered by **D.KRISHNAKUMAR, J.**)

The appellants have filed the writ petitions challenging the notification issued under Sec.27(2) (ii) of Tamil Nadu Highways act, 2001 and the writ petitions were dismissed by the Writ Court. Aggrieved by the same, the instant writ appeals are filed on the sole ground that without hearing the appellants, the matter was reserved on 12.9.2015 as it falls on Saturday, holiday for this Court and the order was pronounced on 5.1.2016.

2. The specific contention raised by the learned counsel appearing for the appellants is that the appellants were not given an opportunity of being heard and without hearing the appellants, the appeals were reserved on 12.9.2015 i.e. on Saturday, holiday for this Court and orders pronounced on 5.1.2016 dismissing the writ petitions. According to the appellants, though the learned counsel appearing for the petitioners has raised several grounds before the Writ Court, without giving an opportunity to the appellants/petitioners to place materials to substantiate the case, the cases were reserved for orders.

3 No counter affidavit has been filed before the Writ Court.

4. In view of the specific ground raised in the appeals that the appellants were not given an opportunity of being heard in the aforesaid writ petitions and passed final orders, we are inclined to interfere with the orders passed by the Writ Court on the short point that without providing an opportunity to the appellants, writ petitions were dismissed on merits.

5 In the light of the aforesaid discussion, without going into the merits of the case, the order passed by the Writ Court is set aside and the matter is remitted back to the Writ Court to decide afresh and pass appropriate orders after providing opportunities to the parties. If no counter affidavit is filed, the respondent shall file counter before the writ Court.

6 Consequently, order passed in the writ petition is set aside, the writ appeals stand allowed. No costs. Connected miscellaneous petitions are closed.

(D.K.K.J.) (P.B.B.J.)
2.8.2023

Speaking/Non Speaking order

Index: Yes

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To

1 The Chief Engineer, National Highways, Chennai-5

2 The Assistant Divisional Engineer (Highways),
Construction And Maintenance, Chengalpet Kancheepuram District.

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