



W.P.No.20472 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.20472 of 2023

S.Dhanasekaran

.. Petitioner

Vs

The Assistant Engineer (Highways),
Construction and Maintenance,
Tambaram Division,
Tambaram,
Chennai-600 042.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records in relation to the impugned order dated 27.06.2023 issued by the respondent and quash the same and consequently directing the respondent to conduct an enquiry in respect of the petitioner's residence house and five shops situated Gramanatham S.No.16/1, Land measuring of 3 cents, situated at Vembuliamma Koil Street, Gowriwalkam Village, Tambaram Taluk, Chennai-600 073.



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For the Petitioner : Mr.G.Mutharasu

For the Respondent : Mr.P.Muthukumar
State Government Pleader
assisted by
Mrs.R.Anitha
Spl. Government Pleader

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

The petitioner is challenging the notice dated 27.06.2023 issued by the respondent.

2. Mr.G.Mutharasu, learned counsel for the petitioner, submits that without giving an opportunity to the petitioner, the impugned notice is issued directing removal of the structures of the petitioner. The petitioner has not encroached on the roads or the sides of the roads, as claimed by the authority.

3. We have heard Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for the respondent.



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4. It appears that before the impugned notice is issued, no show cause notice has been issued to the petitioner. It would be appropriate, if an opportunity is given to the petitioner to file his say.

5. In light of that, the impugned notice/order shall be construed as a show cause notice to the petitioner. The petitioner shall file his reply to the said notice within ten days from today. Upon receipt of the reply filed by the petitioner, the authority shall consider the same and take a decision afresh with regard to the encroachment made by the petitioner or otherwise on its own merits and in accordance with law.

6. With these observations, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.19855 and 19856 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

02.08.2023

Index : Yes/No
Neutral Citation : Yes/No
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WEB COPY

To:

The Assistant Engineer (Highways),
Construction and Maintenance,
Tambaram Division,
Tambaram,
Chennai-600 042.



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKE SAVALU, J.

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