



WEB COPY



W.P.No.28048 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.28048 of 2023

CHINNAPAIYAN

.. Petitioner

Vs

1. THE DISTRICT COLLECTOR
DISTRICT COLLECTOR COMPLEX,
SALEM DISTRICT.

2. THE TAHSILDAR
EDAPPADI, SALEM DISTRICT.

3. THE ASSISTANT ENGINEER
HIGHWAYS (C AND M)
EDAPPADI, SALEM DISTRICT.

4. M.RAJAMANICKAM

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records relating to the impugned final order passed by the 3rd respondent in Ku.No.01/Encroach/2023/U.Poo/ dated 29.5.2023 and quash the same as illegal and vindictive nature.

For the Petitioner : Mr.K.Mahendran



W.P.No.28048 of 2023

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by Mrs.R.Anitha
Special Government Pleader
for respondents 1 to 3

ORDER

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

Heard Mr.K.Mahendran, learned counsel for the petitioner; and
Mr.P.Muthukumar, learned State Government Pleader, assisted by
Mrs.R.Anitha, learned Special Government Pleader for respondents 1
to 3.

2. Amongst other submissions, one of the submissions of
learned counsel for the petitioner is that the impugned order is
passed without notice to the petitioner.

3. The elementary and cardinal principles of natural justice
have to be adhered to. As it is contended that prior to the
impugned order directing the petitioner to remove the encroachment
no opportunity was given to the petitioner, we pass the following



W.P.No.28048 of 2023

WEB COPY

order:

- (a) the impugned order (page 19) shall be treated as a show cause notice;
- (b) the petitioner shall file a reply to the same along with all the documents on which the petitioner relies within 15 days from today;
- (c) the respondent authority shall consider the reply and the documents filed by the petitioner and take a decision afresh in accordance with law;
- (d) Depending upon the decision taken, the parties may take further steps.

With these observations and directions, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.27562 of 2023 is closed.

(S.V.G., C.J.)

(D.B.C., J.)

03.10.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi



W.P.No.28048 of 2023

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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