



WEB COPY



W.P.No.26237 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2023

CORAM :

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

AND

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

W.P.No.26237 of 2023

Velmurugan

..

Petitioner

Vs

1 The District Collector,
District Collector Office,
Cuddalore District.

2 The Tahsildar,
Thittakudi Taluk,
Cuddalore District.

3 The Assistant Divisional Engineer,
Office of the Assistant Divisional Engineer,
Highways Department (C&M),
Thittakudi, Cuddalore District.

..

Respondents

Prayer : Petition filed under Article 226 of the Constitution of India



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seeking issuance of a writ of certiorari to call for records pertaining to the impugned eviction notice dated 23.08.2023 issued by the third Respondent to the petitioner and quash the same.

For the Petitioner : Mr.M.Vijaya Ragavan

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

ORDER

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

We have heard Mr.M.Vijaya Ragavan, learned counsel for the petitioner; and Mr.P.Muthukumar, learned State Government Pleader for the respondents.

2. Learned counsel for the petitioner submits that, without issuing any show cause notice, directly an order has been passed by the Highways Department to remove the alleged encroachment. According to learned counsel for the petitioner, no encroachment has been committed by the petitioner.



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3. The impugned notice is issued pursuant to the order dated 17.3.2023 passed by this Court in W.P.No.8415 of 2023. In fact, under the aforesaid order, the submission of learned State Government Pleader that within six weeks orders would be passed on the representation of the writ petitioner therein was recorded.

4. It does not appear that the petitioner was issued any notice prior to the impugned order. In the light of that, we pass the following order:

- (i) The impugned order dated 23.8.2023 shall be construed as a show cause notice to the petitioner;
- (ii) The petitioner shall file a reply to the same within ten days from today;
- (iii) The authorities shall consider the reply filed by the petitioner and take a decision afresh.

The writ petition is disposed of accordingly. There will be no



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order as to costs. Consequently, W.M.P.No.25636 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

08.09.2023

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

To:

- 1 The District Collector,
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Office of the Assistant Divisional Engineer,
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Thittakudi, Cuddalore District.



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

(sasi)

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08.09.2023