



W.P.No.26611 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2023

CORAM :

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

AND

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

W.P.No.26611 of 2023

A.Shanthi

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Petitioner

Vs.

1. The District Collector
Thiruvannamalai District
Thiruvannamalai.

2. The Thasildar
Thiruvannamalai Taluk
Thiruvannamalai District
Thiruvannamalai.

3. The Divisional Engineer
Highways Department
Thiruvannamalai District
Thiruvannamalai.

4. The Assistant Divisional Engineer
Highways Department
Thiruvannamalai District
Thiruvannamalai.

5. The Assistant Engineer
Highways Department (South Division)
Thiruvannamalai District
Thiruvannamalai.

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Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records of the fifth respondent and to quash the impugned notice in Notice No.08/2023/U.Po. dated 16.08.2023 passed by the fifth respondent.

For the Petitioner : Ms.S.Gayathri
For the Respondents : Mr.P.Muthukumar
State Government Pleader

ORDER
(Made by the Hon'ble Chief Justice)

Heard Ms.S.Gayathri, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader for the respondents.

2. The petitioner is challenging the notice issued invoking the provisions of the Tamil Nadu Land Encroachment Act, 1905 and the Tamil Nadu Highways Act, 2001.

3. In fact, the Authorities concerned with both these Acts, under which the impugned notice was issued, are different. The petitioner claims to have been issued with the assignment.



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4. Learned State Government Pleader submits that the respondents are in the process of canceling the assignment.

5. The notice could not have been issued under both the provisions of the Acts, as the Authorities under both the Acts are different.

6. In the light of that, the impugned notice is quashed and set aside. The respondents are at liberty to take further steps, as may be permissible under law.

7. With these observations, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.26021 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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

(drm)

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