



W.P.No.30785 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2023

CORAM :

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

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.30785 of 2023

SENTHAMARAI

Vs

.. Petitioner

1. THE GENERAL MANAGER
SOUTHERN RAILWAYS, HEADQUARTERS
NGO ANNEXE, PARK TOWN,
CHENNAI - 600 003.
2. THE SENIOR SECTION ENGINEER (P-WAY)
SOUTHERN RAILWAYS
BOMMIDI - 635 301.
3. THE SENIOR DIVISIONAL ENGINEER
DIVISIONAL OFFICE, WORKS BRANCH
SALEM - 636 005.
4. THE DISTRICT COLLECTOR
COLLECTOR'S OFFICE
SALEM.
5. THE THASILDAR
TALUK OFFICE
KADAYAMPATTI TALUK
SALEM DISTRICT.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for records the second respondent relating to the impugned notice dated 13.05.2023 bearing No.M/No.BQ1/14/Encroach/01, consequentially also quash the impugned proceedings of the third Respondent dated 04.10.2023 bearing No.SA/W/Encroachment/LCR.

For the Petitioner : Ms.Thanga Vadhana Balakrishnan

For the Respondents : Mr.Venkataswamy Babu
Senior Panel Counsel
for respondents 1 to 3

: Mr.P.Muthukumar
State Government Pleader
assisted by Mrs.R.Anitha
Special Government Pleader
for respondents 4 and 5

ORDER

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

Heard Ms.Thanga Vadhana Balakrishnan, learned counsel for the petitioner; Mr.M.Venkataswamy Babu, learned Senior Panel Counsel for respondents 1 to 3; Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader, for respondents 4 and 5.



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2. Learned counsel for the petitioner submits that the notice is issued to the petitioner on 13.5.2023 directing her to vacate the land within 15 days. Learned counsel submits that no show cause notice was issued to the petitioner. The petitioner is occupying the said land since decades.

3. The petitioner could not demonstrate that she has title over the said land. According to the respondents, the land belongs to the Railways.

4. If an order of eviction or removal of encroachment is passed, then the petitioner has a remedy of appeal, as contended by learned counsel for the respondents.

5. However, it does not appear that before the final order was passed a show cause notice was ever issued to the petitioner.

6. In the light of that, we pass the following order:



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- (i) The impugned notice dated 13.5.2023 shall be construed as a show cause notice;
- (ii) The petitioner shall file a reply within eight days to the said show cause notice;
- (iii) The respondents shall consider the reply filed by the petitioner and take a decision afresh with regard to the unauthorized occupation of the petitioner or otherwise.

With these observations, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.30453 and 30454 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

20.10.2023

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



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

(sasi)

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