



W.P.(MD) No.842 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.842 of 2023

and

W.M.P.(MD)Nos.821 and 823 of 2023

1.Palanichamy

2.Selvam

3.Muthusami

4.N.Kannan

5.Anthony

6.M.Kannan

7.L.Gowri

... Petitioners

-Vs-

1.The Divisional Engineer,
(Construction and Maintenance),
Highways Department, Theni District, Theni.

Page 1 of 7



W.P.(MD) No.842 of 2023

WEB COPY

2.The Assistant Divisional Engineer,
(Construction and Maintenance),
Highways Department, Periyakulam, Theni District.

3.The Junior Engineer,
(Construction and Maintenance),
Highways Department, Periyakulam, Theni District.

4.The District Collector,
Theni District, Theni.

5.The Revenue Divisional Officer,
Periyakulam, Theni District.

6.The Tahsildar,
Periyakulam, Theni District.

7.The Deputy Superintendent of Police,
Periyakulam, Theni District.

8.The Inspector of Police,
Tenkarai Police Station,
Periyakulam, Theni District.

... Respondents

Page 2 of 7



W.P.(MD) No.842 of 2023

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice issued by the 2nd respondent in Ka.No:23/2022/Vu, dated 14.12.2022, quash the same and consequently, direct the respondents not to remove the petitioner's shops situated in T.S.No.4631/1 lying between Kalamman Temple to Periyakulam Government Hospital, Periyakulam, Theni District.

For Petitioners : Mr.K.Kharikharadas
For R1 to R6 : Mr.K.Balasubramani,
Special Government Pleader
For R7 & R8 : Mr.S.Manikandan,
Government Advocate (Crl.Side)

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the notice dated 14.12.2022 issued by the 2nd respondent, directing the petitioners to remove the encroachment made in the land in question, this Writ Petition is filed with a consequential direction to the respondents not to remove the petitioner's shops situated in T.S.No.4631/1 lying between Kalamman Temple to Periyakulam Government Hospital, Periyakulam, Theni District.

Page 3 of 7



W.P.(MD) No.842 of 2023

WEB COPY

2.Mr.K.Balasubramani, learned Special Government Pleader takes notice for the respondents 1 to 6 and Mr.S.Manikandan, learned Government Advocate (Crl.Side) takes notice for the respondents 7 and 8.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4.The learned counsel appearing for the petitioners submitted that the impugned notice has been issued in general and not to the individual encroachers. Therefore, on this ground, the impugned notice is liable to be quashed.

5.The learned Special Government Pleader appearing for the respondents 1 to 6, on instructions, fairly submitted that individual notice would be served to the encroachers for removal of encroachment in respect of the land in question.

Page 4 of 7



W.P.(MD) No.842 of 2023

WEB COPY

6.In view of the aforesaid submission, we direct the respondent concerned to issue fresh notice to the individual encroachers and remove the encroachment in the land in question after providing sufficient opportunity of hearing to them and by following due process of law.

7.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]
12.01.2023
(2/2)

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

MYR

To

1.The Divisional Engineer,
(Construction and Maintenance),
Highways Department, Theni District, Theni.

Page 5 of 7



W.P.(MD) No.842 of 2023

WEB COPY

2.The Assistant Divisional Engineer,
(Construction and Maintenance),
Highways Department, Periyakulam, Theni District.

3.The Junior Engineer,
(Construction and Maintenance),
Highways Department, Periyakulam, Theni District.

4.The District Collector,
Theni District, Theni.

5.The Revenue Divisional Officer,
Periyakulam, Theni District.

6.The Tahsildar,
Periyakulam, Theni District.

7.The Deputy Superintendent of Police,
Periyakulam, Theni District.

8.The Inspector of Police,
Tenkarai Police Station,
Periyakulam, Theni District.

Page 6 of 7



WEB COPY



W.P.(MD) No.842 of 2023

D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

MYR

W.P.(MD)No.842 of 2023

12.01.2023

(2/2)