



WEB COPY

W.P.(MD) No.2096 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**

**W.P.(MD) No.2096 of 2023
and
W.M.P(MD)Nos.1872 & 1874 of 2023**

D.Karthick

... Petitioner

-VS-

The Project Director,
National Highways Authority of India,
Project Implementation Unit,
Trichy – 620 001.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the impugned notice in NHAI/PD/TRY/NH-83/2023 dated 11.01.2023 issued under sub-Section (2) of Section 26 of the Control of National Highways (Land and Traffic) Act, 2002 passed by the respondent and quash the same as illegal and devoid of merits forthwith.

For Petitioner : Mr.C.Prithviraj



WEB COPY

W.P.(MD) No.2096 of 2023



ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

This Writ Petition has been directed against the show-cause notice, dated 11.01.2023, calling upon the petitioner to give explanation/representation from the date on which the notice has been served.

2.In the notice, dated 11.01.2023, the respondent/the Project Director, National Highways Authority of India, Project Implementation Unit, Trichy, has clearly mentioned that the Project Director, NHAI, PIU, Trichy, on periodical inspection and as per the direction issued by this Court in W.P(MD)No.22748 of 2022 dated 28.09.2022 had found unauthorized occupation on the National Highways lands and attempted to access for a length of about 5 meter and a width of 5 meter towards construction of unauthorized access by temporary shed between Km.396+085 to km.396+090 on LHS in Trichy – Dindigul section of NH 83 at Ayyalur Village of Veda sandur Taluk of Dindigul District.



3. In view of the above, when the petitioner has been directed to give explanation as to why the said unauthorized occupation should not be removed within seven days time, he has no justification to approach this Court. This Court is also unable to find any merit in the Writ Petition. When the petitioner has been called upon to give his explanation, without giving any explanation, legitimately he has filed the present Writ Petition.

4. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

[T.R., A.C.J.] [D.K.K., J.]
03.02.2023

NCC : Yes / No
Index : Yes / No
Internet: Yes / No
vsm/ps

To

The Project Director,
National Highways Authority of India,
Project Implementation Unit,
Trichy – 620 001.



WEB COPY



W.P.(MD) No.2096 of 2023:

T.RAJA, A.C.J.
and
D.KRISHNAKUMAR, J.

vsm/ps

ORDER MADE IN
W.P.(MD) No.2096 of 2023

DATED : 03.02.2023