



W.P.(MD) Nos.10478 to 10484 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) Nos.10478 to 10484 of 2023

and

W.M.P.(MD) Nos.9312 to 9315, 9317, 9318 and 9322 of 2023

W.P.(MD) No.10478 of 2023

Velupillai

... Petitioner

-VS-

1. The Assistant Divisional Engineer,
Highways Department,
(Construction and Maintenance),
Musiri, Trichy District.

2. The Assistant Engineer,
Highways Department,
(Construction and Maintenance),
Musiri, Trichy District.

... Respondents

PRAYER in W.P.(MD) No.10478 of 2023: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for records pertaining to the impugned order passed by the first respondent vide his proceedings



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WEB COPY குறிப்பாணை எண்.108/2023/A1 dated 20.04.2023 and quash the same as illegal.

For Petitioners : Mr.T.Lenin Kumar (in all writ petitions)

For Respondents : Mr.A.Baskaran
Additional Government Pleader
(in all writ petitions)

COMMON ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

With the consent of both sides, these writ petitions are taken up for final hearing at the admission stage itself.

2. Mr.A.Baskaran, learned Additional Government Pleader takes notice for the respondents.

3. The impugned notices show that the provision of Section 28(2) of the Tamil Nadu Highways Act, 2001, has not been properly complied with. The said provision requires the authority to issue a show cause notice giving seven days time to the alleged encroacher to file his objections. Upon receipt of the objections, considered the same and pass orders for removal.



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4. A perusal of the contents of the impugned notices reveals that they are actually eviction orders passed in exercise of powers under Section 28(2) of the Act. In the absence of show cause notice and proper hearing, these eviction orders cannot be sustained. Hence, all these writ petitions are allowed and the impugned notices dated 17.04.2023 and 20.04.2023 are quashed, with liberty to the respondents to proceed in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.] [L.V.G., J.]

27.04.2023

NCC : No
Index : No
Internet : Yes

PKN



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