



W.P(MD)No.11513 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.05.2023

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.11513 of 2023
and
W.M.P(MD)Nos.10011 & 10012 of 2023**

Premkumar

... 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: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the first respondent vide his proceedings குறிப்பாணை எண்.106/2023/அ1/ dated 17.04.2023 and quash the same as illegal. Mandamus,



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For Petitioner :Mr.K.Arunraj
For Respondents :Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The first respondent had issued the impugned communication calling upon the petitioner to remove the encroachment in question. The stand of the petitioner is that there is no encroachment at all.

3. The impugned communication has been issued without complying with the principles of natural justice. On this technical ground, the impugned communication is set aside. Liberty is given to the first respondent to issue a fresh notice. Only after complying with the principles of natural justice, final order shall be passed by the first respondent. The contentions of both the parties are left open.



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4. The writ petition stands allowed. No costs. Consequently,
connected miscellaneous petitions are closed.

[G.R.S.,J.] [S.S.Y.,J.]
10.05.2023

Index: Yes/No
Internet: Yes/No
NCC: Yes/No
am/Indu

To

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.



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G.R.SWAMINATHAN, J.

AND

S.SRIMATHY, J.

am/Indu

ORDER MADE IN

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