



W.P.(MD) No.12122 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.05.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE Mrs.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.12122 of 2023
and WMP(MD) No.10387 of 2023**

S.Palani

... Petitioner

-VS-

- 1.The District Collector,
Tirunelveli District.
- 2.The Assistant Executive Engineer,
(State Highways)
Highway Office, North Car Street,
Palayamkottai
Tirunelveli District.
- 3.The Assistant Divisional Engineer,
Highways Department Ka(Ma)Pa
Highway Office,
Palayamkottai, Tirunelveli District.
- 4.The Assistant Engineer,
Highways Department Ka(Ma)Pa
Highway Office,



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WEB COPY Palayamkottai, Tirunelveli District

5.The Executive Officer,
Arulmigu Palayanchalai Kumaraswamy
Thirukovil, Tirunelveli Junction,
Tirunelveli 627 001.

6.The Inspector of Police,
Palam Police Station (Law & Order)
Tirunelveli 627 001.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order (Ku.No.2784/2023/A1 dated 08.05.2023 on the file of the 3rd respondent and quash the same as illegal arbitrary, violation of principles of law and further forbear the respondents from conducting any survey in the petitioner's shop bearing Shop No.24 situated in S.No.1093 SN High Road, Tirunelveli Junction.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.R.Raghavendran for R1 to R4 & R6
Government Advocate
Mr.P.Subbaraj for R5
Special Government Pleader



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ORDER

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

This writ petition has been filed challenging the impugned order of the 3rd respondent dated 08.05.2023, under which, the petitioner is invited to be present to see whether the survey is properly undertaken.

2. We do not find any justification in the prayer that has been made by the petitioner for coming to this Court challenging the impugned order. The arguments advanced by the learned counsel for the petitioner that even before issuance of the impugned notice, one more notice is given, which is absolutely unacceptable. Therefore, this argument deserves to be rejected. Notice is absolutely necessary for conducting the survey and the survey report will indicate whether the petitioner is an encroacher or not. Accordingly, this writ petition fails and the same is dismissed. No costs. consequently connected Miscellaneous Petition is closed.

NCC : Yes / No
RR

**[T.R., A.C.J.] [L.V.G, J.]
17.05.2023**



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THE HON'BLE THE ACTING CHIEF JUSTICE
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L.VICTORIA GOWRI, J.

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