



W.P(MD)No.13830 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2023

CORAM:

THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P(MD)No.13830 of 2023
and
W.M.P(MD)No.11655 of 2023

Alexander

... Petitioner

-VS-

The Assistant Divisional Engineer,
Office of Assistant Divisional Engineer,
Southern Railway,
Tirunelveli.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the entire record pertaining to the impugned notice in No.E/4/Encroachment/GDN dated 30.05.2023 issued by the respondent herein and quash the same as illegal .

For Petitioner : No appearance
For Respondent : Mr.K.Govindarajan
Deputy Solicitor General



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ORDER

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

None appears for the petitioner.

2. We have heard the learned Deputy Solicitor General for the respondent.

3. The petitioner assails the impugned notice directing him to remove the encroachment.

3. The notice is vague and does not spell out the details as would be required.

4. In the light of that, the impugned notice is quashed and set aside. However, the respondent is at liberty to take up appropriate proceedings and or steps to recover their property or removal of encroachment as may be permissible under law.



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5. We have set aside the impugned notice only because the said notice was quite vague and not giving any details as to under what statute or provisions, the action has been taken, so also about the other aspects. For the fresh action of the respondent, the present order would not be an impediment.

6. With the above observations, the Writ Petition is allowed. No costs. Connected miscellaneous petition is closed.

[S.V.G., .C.J.]

[R.S.M., J.]

23.06.2023

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

bala

To

The Assistant Divisional Engineer,
Office of Assistant Divisional Engineer,
Southern Railway,
Tirunelveli.



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THE HONOURABLE CHIEF JUSTICE
and
R.SUBRAMANIAN, J.

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