



W.P(MD)No.11274 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11274 of 2015
and
M.P.(MD)Nos.1 and 2 of 2015

Muthulakshmi

... Petitioner

Vs.

1.The Assistant Divisional Engineer,
Highways Ka(Ma) Pa.,
Ambasamudharam,
Tirunelveli District.

2.The Divisional Engineer,
Highways Ka.(Ma)pa.,
Tirunelveli,
Tirunelveli District.

3.The Assistant Engineer,
Highways Ka(Ma)pa.,
Cheranmahadevi,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the impugned order dated 23.06.2015 passed by the 1st respondent made in



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Notice Ref.No.100/2014/Aa1/23.06.2015 and quash the same as illegal and devoid of merits.

For Petitioner : Mr.S.Palanivelayutham

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The impugned communication though styled as notice is actually an imperative order. It calls upon the petitioner to remove the alleged encroachment. As rightly pointed out by the learned counsel for the petitioner, it has been passed without notice to the petitioner. Even the copy has not been communicated. The impugned notice is addressed to the petitioner's lessee. The impugned notice is a fall out of the order dated 08.10.2014 made in W.P.(MD)No.26722 of 2013. The petitioner is not a party to the said writ petition. On the ground of violation of principles of natural justice, the impugned notice is set aside. The matter



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is remitted to the file of the first respondent to take steps afresh in accordance with law.

3. With this liberty to the first respondent, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

29.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1. The Assistant Divisional Engineer,
Highways Ka(Ma) Pa.,
Ambasamudharam,
Tirunelveli District.

2. The Divisional Engineer,
Highways Ka.(Ma)pa.,
Tirunelveli,
Tirunelveli District.

3. The Assistant Engineer,
Highways Ka(Ma)pa.,
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G.R.SWAMINATHAN, J.

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