



W.P(MD)No.12671 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12671 of 2015
and
M.P.(MD)Nos.1 & 2 of 2015

C.Madasamy

... Petitioner

Vs.

The Junior Engineer,
Highways Department (Construction & Maintenance),
Tenkasi South Division,
Tirunelveli District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the respondent in Na.Ka. No. 36/2015/EPO/dated 27.05.2015 and quash the same and consequently forbear the respondent from interfering with the petitioners peaceful possession and enjoyment of the house bearing No. 3-32/17 situated at Natham Survey No. 134/43, covered under natham Patta No. 831, Poolangulam Village, Alangulam Taluk, Tirunelveli District.

For Petitioner : Mr.H.Arumugam

For Respondent : Mr.N.Satheeshkumar
Additional Government Pleader



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ORDER

Heard the learned counsel on either side.

2. By the impugned order, the petitioner had been called upon to remove the petition mentioned encroachment. As rightly pointed out by the learned counsel for the petitioner, the impugned order has not been preceded by any notice or any enquiry.

3. I therefore direct the competent authority to issue fresh notice to the petitioner. The petitioner will be given full opportunity to place his case. After holding proper enquiry on merits and in accordance with law, final order shall be passed. The impugned order will abide by the outcome of the said order. The impugned order will not be given effect to till such order is passed.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

30.08.2023

Index : Yes / No
Internet : Yes/ No
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To

The Junior Engineer,
Highways Department (Construction & Maintenance),
Tenkasi South Division,
Tirunelveli District.



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G.R.SWAMINATHAN, J.

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