

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13351 of 2015

and

M.P.(MD)No.1 of 2015

V.Madasamy

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Tahsildar,
Theni Taluk,
Theni District.

3.The Superintending Engineer,
State Highways,
Construction and Maintenance Division,
Theni District.

4.The Assistant Engineer,
State Highways,
Construction and Maintenance Division,
Bodinaickanur,
Theni District.

5.M.Chellaiah
(R5 is impleaded vide order dated 26.04.2016
in M.P.(MD)No.2 of 2015)

6.Lakshmi

7.Palanikumar

8.Selvarani

9.Selvakumar

10.Megaladevi

11.Eswari

(R6 to R11 are suo motu impleaded
vide order dated 05.09.2023)

... 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 records relating to the impugned eviction order issued by the 4th respondent herein in his proceedings Ka.No.Akiramippu/2015/A2 dated 22.07.2015 and quash the same as illegal.

For Petitioner : no appearance

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 to R4

: Mr.A.Saravanan for R5

ORDER

None appears for the petitioner.

2. I went through the contents of the affidavit filed in support of the writ petition.

3. The petitioner challenges the order dated 22.07.2015 issued by the fourth respondent. Even though it is styled as notice, it is a peremptory order.

It calls upon the petitioner to remove the encroachment committed in Survey No.656/2.

4. The competent authority shall issue fresh notice to the petitioner and after holding summary enquiry, pass final order. The impugned order will abide by the outcome of the said enquiry. The entire exercise shall be completed by the competent authority (Assistant Divisional Engineer, State Highways, Bodinayakanoor) within four weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

05.09.2023

Index : Yes / No
Internet : Yes/ No
rmi

To

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Theni District.

3.The Superintending Engineer,
State Highways,
Construction and Maintenance Division, Theni District.

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rmi

4.The Assistant Engineer,
State Highways,
Construction and Maintenance Division,
Bodinaickanur,
Theni District.

W.P(MD)No.13351 of 2015

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