



W.P(MD)Nos.9907 and 9908 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.9907 and 9908 of 2015
and
M.P.(MD)Nos.1, 1, 2 and 2 of 2015

S.Panchanathan ... Petitioner in W.P.(MD)No.9907 of 2015
M.Srinivasan ... Petitioner in W.P.(MD)No.9908 of 2015

Vs.

- 1.The District Collector,
Tiruchirappalli District,
Collectorate,
Tiruchirappalli.
- 2.The Revenue Divisional Officer,
Thiruverumbur Taluk,
Tiruchirappalli.
- 3.The Assistant Divisional Engineer,
Highways Department,
Thiruchirappalli - 20. ... Respondents in both W.Ps

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned notice dated



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15.06.2015 issued by the 3rd respondent and quash the same and consequently directing the respondents to survey the area properly in accordance with records and following due procedures by giving opportunity.

(In both W.Ps)

For Petitioner : Mr.R.Narayanan

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader.

COMMON ORDER

Heard the learned counsel on either side.

2.By the impugned notice, it has been notified by the third respondent that encroachments in the petition mentioned highway would be removed. The petitioners apprehending that they would be affected, filed these writ petitions and obtained interim order of stay. It is seen that the petitioners have not been put on notice before passing the impugned order.



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3.The third respondent is permitted to issue fresh notice to both the writ petitioners specifying the details and particulars. The petitioners will be given adequate opportunity to establish their case. After such due enquiry, final order shall be passed on merits and in accordance with law. The impugned orders will abide by the said final orders that may be passed by the third respondent. It shall be kept in abeyance till then.

4.These writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

31.08.2023

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

- 1.The District Collector,
Tiruchirappalli District,
Collectorate,
Tiruchirappalli.
- 2.The Revenue Divisional Officer,
Thiruverumbur Taluk, Tiruchirappalli.
- 3.The Assistant Divisional Engineer,
Highways Department,
Thiruchirappalli - 20.

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G.R.SWAMINATHAN, J.

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