



W.P.(MD)No.27543 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.27543 of 2023

and

W.M.P.(MD)Nos.23644 & 23645 of 2023

A.Parthiban

... Petitioner

Vs.

The Assistant Divisional Engineer (H),
Highways Department,
C&M Kumbakonam South,
Kumbakonam Sub Division,
Thanjavur District.

...Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the proceedings of the impugned order in Memo No.07/Encroachment/2023/A1, dated 04.11.2023 on the file of the respondent and to quash the same.

For Petitioner : Mr.I.Robert Chandra Kumar

For Respondents : Mr.S.Shanmugavel,
Additional Government Pleader



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ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The notice issued under Section 28 of the Tamil Nadu Highways Act, 2001, dated 04.11.2023 is under challenge in the present Writ Petition.

2.The learned counsel appearing for the petitioner mainly contended that objections filed by the petitioner on 11.11.2023 were not considered by the authorities and thereafter, they have passed cryptic order in proceedings dated 17.11.2023 without any reason. Therefore, the petitioner is constrained to move the present Writ Petition.

3.The learned Additional Government Pleader appearing for the respondent raised an objection by stating that survey was conducted before initiation of action and based on that survey, the authorities competent identified that the subject property belongs to Highways Department, which was encroached upon by the petitioner and therefore, notice was issued in compliance with the provisions of the Tamil Nadu Highways Act, 2001. Thus, there is no infirmity and therefore, this Writ Petition is to be rejected.



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4. In view of the fact that survey has already been conducted, the authority competent / respondent is directed to consider the objections submitted by the writ petitioner on 11.11.2023 and thereafter, take an appropriate decision afresh and proceed with the removal of encroachment if any.

5. With these directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (V.L.N., J.)

21.11.2023

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

Yuva

To

The Assistant Divisional Engineer (H),
Highways Department,
C&M Kumbakonam South,
Kumbakonam Sub Division,
Thanjavur District.

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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

Yuva

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