



WP No.3627 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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S.Suman

: Petitioner

versus

- 1.The State of Tamil Nadu,
rep. by Secretary, Highways Department,
Fort St.George,
Chennai 9
- 2.The Divisional Engineer,
Highways, Chennai City Roads,
Division 1, Saidapet,
Chennai 15
- 3.The Asst. Divisional Engineer,
Highways, Chennai City Roads,
Division 1, Saidapet,
Chennai 15
- 4.The District Collector,
Chennai, 62, Rajaji Salai,
Chennai 1
- 5.The Revenue Divisional Officer,
Chennai Central Division, Ambattur
Chennai 101



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6.The Tahsildar,
Ambatur Taluk, Tiruvallur District,
High Road, Gandhi Nagar,
Ambattur, Chennai 53

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 30.10.2023 in letter No.286/2010/E Ne Va Passed by the 3rd Respondent herein and to quash the same as illegal and consequently forbearing the respondents not to evict the Petitioner in any manner from his property bearing No.63/3, Sri venkata Thyagaraja Nagar, 100 Feet Road, Korattur, Villivakkam, Chennai-49 comprised in T.S. No.163 /11 Survey No.151/1A1A1C1B2, Ward No.E, Block No.31 Korattur Villivakkam, Chennai-49 to confirm and ratify the title of the petitioner.

For Petitioner : Mr.S.Muthuraman

For Respondents : Mr.C.Kathiravan,
Special Government Pleader

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.S.Muthuraman, learned counsel for the petitioner and Mr.C.Kathiravan, learned Special Government Pleader, appearing for the respondents.



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2. The learned counsel for the petitioner submits that the impugned order is passed directing the petitioner to remove the alleged encroachment without affording any opportunity to the petitioner. Learned counsel submits that the Highways Department has given 'no objection' to the petitioner.

3. Learned Special Government Pleader submits that the said 'no objection' is a forged one. Learned Special Government Pleader does not dispute that before passing the impugned order, no opportunity was given to the petitioner.

4. In view of the fact that no show-cause notice is issued, we pass the following order:

(i) The impugned order dated 30.10.2023 shall be construed as a show-cause notice;

(ii) The petitioner shall file a reply to the same within ten days from today;



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(iii) The authority concerned shall consider the reply filed by the petitioner and shall pass orders, as may be permissible under law.

(iv) The writ petition is accordingly disposed of. There shall be no order as to costs. Consequently, WMP No.3916 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

20.02.2024

Index : Yes/No
Neutral Citation : Yes/No
tar



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To

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