



W.P.No.2091 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.2091 of 2024

T.Maheshraj

.. Petitioner

Vs.

1. The District Collector
Tiruvallur.

2. The Assistant Divisional Engineer (H)
Office of the Assistant Divisional Engineer (H)
Thiruttani Sub-Division, Thiruttani.

3. The Revenue Divisional Officer
Revenue Division Office, Thiruttani.

4. The Tahsildar
Thiruttani.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records of the 2nd respondent in connection with the memorandum No. 111/2023/A1 dated 06/11/2023 issued by the 2nd respondent, and to quash the same consequently direct the 4th respondent to implement the order dated 27/12/2023 vide Na.Ka. 3102/2023/A2 issued by the 3rd respondent within a time frame.

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For the Petitioner : Mr.Srinivas
Senior Counsel
for Mr.G.Vijayakumar

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.Srinivas, learned Senior Counsel appearing for Mr.G.Vijayakumar, learned counsel for the petitioner and Mr.A.Edwin Prabakar, learned State Government Pleader for the respondents.

2. Learned counsel for the petitioner submits that the impugned order has been passed without giving opportunity to the petitioner.

3. According to the learned State Government Pleader, survey was conducted, measurement was carried out and encroachment was found on the Right of Way (RoW) of the Highway.

4. As far as the measurement is concerned, the petitioner has the remedy of appeal, if the petitioner is aggrieved by the measurement. As the impugned order dated 06.11.2023 is passed



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without issuing a show-cause notice to the petitioner, we pass the following orders:

- (i) The impugned order dated 06.11.2023 shall be construed as a show-cause notice. The petitioner shall file a reply to the said show-cause notice, if the petitioner so desires, within a period of ten days from today;
- (ii) If reply is filed within ten days, then the authorities shall consider the said reply filed by the petitioner and take a decision on its own merits.

5. In light of the above, the writ petition stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.2244 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

31.01.2024

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(drm)

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