



WEB COPY

W.P.No.7281 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.7281 of 2020

and

W.M.P.Nos.8681 & 8683 of 2020

K.Vetrivel

... Petitioner

Vs.

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Tahsildar,
Kundrathur Taluk,
Kundrathur,
Kancheepuram District.
- 3.The Divisional Engineer (Highways),
Construction and Maintenance,
Chengalpet.
- 4.The Assistant Engineer (Highways),
Construction and Maintenance,
Sriperumbudur.



5.The Assistant Divisional Engineer (Highways),
Construction and Maintenance,
Sriperumbudur.

6.The Road Revenue Inspector,
Highways Department,
Sriperumbudur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, quash the impugned notice dated 13.03.2020 which was issued by the 5th respondent and served upon the Petitioner on 16.03.2020 as illegal, improper, unreasonable, against the principles of natural justice and procedural violation.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The notice issued by the Assistant Divisional Engineer, Highways Department is under challenge in the present writ petition.



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2. On identification of encroachments in the Highways properties, the authorities competent are empowered to remove the encroachment by invoking Section 28 of the Tamil Nadu Highways Act, 2001.

3. In the present case, the notice issued to the petitioner reveals that a date and time was fixed to remove the encroachments. However, the petitioner is entitled for an opportunity.

4. That being the position, the petitioner is at liberty to submit his objections along with the documents, if any within a period of 10 days from today. On receipt of any such objections, the respondents shall look into the same and take a decision and thereafter, if any encroachments are identified, then remove the same without causing any further delay. The entire exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



5. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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[S.M.S., J.] [K.R.S., J.]
12.03.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Tahsildar,
Kundrathur Taluk,
Kundrathur,
Kancheepuram District.
- 3.The Divisional Engineer (Highways),
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- 5.The Assistant Divisional Engineer (Highways),
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S.M.SUBRAMANIAM, J.
and
K.RAJASEKAR, J.

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