



W.P.No.30718 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.30718 of 2023

S.Gunasundari

.. Petitioner

VS

1.The District Collector,
Kancheepuram,
Kancheepuram District.

2.The Superintendent of Police,
Kancheepuram,
Kancheepuram District.

3.The Divisional Engineer,
State Highways Department,
Operation and Maintenance,
Kancheepuram.

4.The Tahsildar,
Walajabad Taluk,
Kancheepuram District.

.. Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of the third respondent's impugned final notice in Ku.No.89/2023/E.Va.Aa/dated 7.6.2023 and quash the same, consequently directing the respondents to restore the petitioner's possession on part with other 29 residents comprised in Survey No.3 Ayimicherry Village, Walajabad Taluk, Kancheepuram District.

For the Petitioner : Mr.B.Srinivasan

For the Respondents : Mr.K.Karthik Jagannath
Government Advocate

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.B.Srinivasan, learned counsel for the petitioner; and, Mr.K.Karthik Jagannath, learned Government Advocate for the respondents.

2. Learned counsel for the petitioner submits that the petitioner was residing in the subject writ premises for 25 years. Without any



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show cause notice, the impugned final notice is issued and the construction of the petitioner is demolished.

3. Learned Government Advocate, on instructions, accepts the fact that prior to the issuance of the impugned final notice dated 7.6.2023, no show cause notice was issued.

4. In the light of the above, we pass the following orders:

- (i) The impugned final notice shall be treated as a show cause notice.
- (ii) The petitioner may file her reply within fifteen (15) days from today.
- (iii) The respondent authorities shall consider the reply filed by the petitioner and take a decision afresh with regard to the possession of the petitioner or otherwise.
- (iv) Depending upon the decision taken, the parties may take further steps.



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5. The writ petition is, accordingly, disposed of. There shall be no order as to costs. Consequently, W.M.P.No.30381 of 2023 is closed.

(S.V.G., C.J.)

(D.B.C., J.)

10.01.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

- 1.The District Collector,
Kancheepuram,
Kancheepuram District.
- 2.The Superintendent of Police,
Kancheepuram,
Kancheepuram District.
- 3.The Divisional Engineer,
State Highways Department,
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THE HON'BLE CHIEF JUSTICE
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