



W.P.(MD) No.1525 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1525 of 2024
and W.M.P.(MD)Nos.1531 to 1533 of 2024

Micheal Raj

... Petitioner

Vs.

- 1.The Assistant Divisional Engineer,
Highways (Construction and Maintenance),
Nanguneri,
Tirunelveli District.
- 2.The Tahsildar, Thisayanvillai Taluk,
Tirunelveli District.
- 3.The Superintendent Engineer,
Tirunelveli Electricity Distribution Circle,
Tirunelveli District.



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4.The Executive Engineer (Distribution),
Tamilnadu Electricity Board,
Valliyoor,
Tirunelveli District.

5.The Assistant Executive Engineer (Distribution),
Tamilnadu Electricity Board,
Thisayanvillai,
Tirunelveli District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 1st respondent in Notice No. 07-1/Aakramipu/2023/A1 dated 11.01.2024 and quash the same as illegal and consequently directing the respondents not to disturb the petitioner's property in S.No. 972A/6, Vijayanarayanam Part 3 Village, Thisayanvilai Taluk, Tirunelveli District.

For Petitioner : Mr.P.T.Rameshraj for
Mr.V.Angusamy

For Respondents : Mr.N.Satheeshkumar,
Addl.Govt. Pleader for R1 & R2

Mr.S.Deenadhayalan for R3 to R5



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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the 1st respondent in Notice No.07-1/Aakramipu/2023/A1 dated 11.01.2024 and quash the same as illegal and consequently directing the respondents not to disturb the petitioner's property in S.No. 972A/6, Vijayanarayanam Part 3 Village, Thisayanvilai Taluk, Tirunelveli District.

2. By consent this Writ Petition is taken up for final disposal at the admission stage itself.

3. At the time of hearing, the learned Additional Government Pleader appearing for the respondents 1 and 2 submits that the impugned order is only a show cause notice and therefore, if the petitioner is having any objections the same shall be submitted to the authorities and after receipt of the same, the authorities will consider the said objections and pass orders in accordance with law.



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4. In the light of the stand taken by the learned Additional Government Pleader appearing for the respondents 1 and 2, we direct the petitioner to submit his objection to the respondents within a period of two weeks from the date of receipt of a copy of this order. After receipt of the objections, the respondents shall conduct survey in the land in question with the assistance of the surveyor, after issuing notice to the petitioner and if found there is encroachment, the respondents shall take necessary action for removal of the encroachment by following due process of law. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. Till such time, the respondents shall not take any coercive steps as against the petitioner.

5. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

vsm

NCC : Yes / No

Index : Yes / No

[D.K.K., J.]

[R.V., J.]

24.01.2024



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- 2.The Tahsildar, Thisayanvillai Taluk,
Tirunelveli District.
- 3.The Superintendent Engineer,
Tirunelveli Electricity Distribution Circle,
Tirunelveli District.
- 4.The Executive Engineer (Distribution),
Tamilnadu Electricity Board,
Valliyoar,
Tirunelveli District.
- 5.The Assistant Executive Engineer (Distribution),
Tamilnadu Electricity Board,
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