



W.P.(MD) No.20367 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.20367 of 2024
and
W.M.P.(MD)No.17272 of 2024**

M.Kalaikannan

... Petitioner

-VS-

- 1.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Madurai.
- 2.The Revenue Engineer,
O/o. Revenue Engineer,
Highways,
Construction & Maintenance,
Madurai.
- 3.The Tahsildar,
O/o. Tahsildar,
Vadipatti,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned notice passed by the 2nd respondent in Ka.No.01/2024/A2, dated 23.07.2024 and quash the same.



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For Petitioner
For Respondents

: Mr.G.M.Xavier
: Mr.S.P.Maharajan
Special Government Pleader

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2.Challenge in the Writ Petition is to the notice issued by the Divisional Engineer, Highways, Construction and Maintenance, Madurai, requiring the petitioner to remove the encroachment made by him in Survey No.1075/1A, on the ground that the land in question has been classified as Government Porambokku road. Section 28 of the Highways Act, 1956, provides for a procedure for removal of encroachment. The Highways authority is required to give 7 days notice, calling for an explanation and if any explanation is received within the said period, the authorities obliged to consider the explanation and pass appropriate orders. Admittedly, the said procedure has not been followed.

3.Therefore, the impugned notice is quashed. The Writ Petition stands allowed. It is open to the authorities to seek to remove the encroachment



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strictly in accordance with law. No costs. Consequently, connected
miscellaneous petition is closed

[R.S.M., J.]

[L.V.G., J.]

27.08.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
Mrn/Sml

To

- 1.The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Madurai.
- 2.The Revenue Engineer,
O/o. Revenue Engineer,
Highways,
Construction & Maintenance,
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- 3.The Tahsildar,
O/o. Tahsildar,
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