



W.P.(MD)No.25134 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**W.P.(MD)No.25134 of 2024
and
W.M.P.(MD)No.21375 of 2024**

A.Balasubramanian

... Petitioner

-VS-

- 1.The Divisional Engineer,
Highways Department,
Construction and Maintenance,
Virudhunagar District.
- 2.The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance,
Virudhunagar District.
- 3.The Tahsildar,
Tahsildar Office,
Virudhunagar Taluk,
Virudhunagar District.
- 4.The Commissioner,
Virudhunagar Municipality,
Virudhunagar Town.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the second respondent in his proceedings in KU.N.04/2024/A1, dated 16.10.2024 and to quash the same as illegal and arbitrary.

For Petitioner : Mr.R.Rajamohan
For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

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

Mr.S.R.A.Ramachandran, learned Additional Government Pleader, takes notice for the respondents.

2. The petitioner was visited with the show cause notice dated 12.09.2024, issued under Section 28(2)(ii) of the Tamil Nadu Highways Act, 2001 [hereinafter referred to as "the Act"]. He responded to the same on 18.09.2024 and the said reply was received by the Office of the Assistant Divisional Engineer on 20.09.2024. The Proviso to Section 28(2) of the Act makes it obligatory on the part of the authority to consider the explanation and pass final orders.



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3. The final order passed by the authority, which is impugned in the Writ Petition, says no reply has been received from the petitioner. This clearly exhibits total non-application of mind on the part of the authorities. Hence, the order impugned in the Writ Petition is set aside and the authority will consider the objection of the petitioner, received by him on 20.09.2024 and pass appropriate orders, giving reasons for rejecting the objections of the petitioner.

4. This Writ Petition is allowed with the above direction. No costs.
Consequently, connected Miscellaneous Petition is closed.

NCC : No
Index : No
smn2

[R.S.M., J.] [S.M., J.]
22.10.2024

To:-

- 1.The Divisional Engineer,
Highways Department,
Construction and Maintenance,
Virudhunagar District.
- 2.The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance,
Virudhunagar District.



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3.The Tahsildar,
Tahsildar Office,
Virudhunagar Taluk,
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4.The Commissioner,
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and
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