



WP(MD). No.26445 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

**WP(MD). No.26445 of 2024
and WMP(MD) Nos.22391 and 22392 of 2024**

Shanmugam

... Petitioner

Vs

**1. The Assistant Divisional Engineer,
Department of Highways,
(Construction and Maintenance),
Keeranur Post, Kulathur Taluk,
Pudukkottai District.**

**2. The District Collector,
Pudukkottai District,
Pudukkottai.**

**3. C.Kasirajan,
S/o.Chinnathambi,
No. 604-1, Chithambaram Nagar,
Mathur Village,
Kulathur Taluk,
Pudukkottai District.**

... Respondents



WP(MD). No.26445 of 2024

WEB COPY

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari to call for the records pertaining to the Order dated 22.10.2024 in Ka.No. 202/2024/A1 passed by the 1st respondent and quash the same.

For Petitioner : Mr.M.Dinesh Hari Sudarsan
For Respondent : Mr.SRA.Ramachandran for R1&R2
Additional Government Pleader

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. Since no adverse orders are going to be passed against the 3rd respondent, notice to the 3rd respondent is dispensed with.

3. Challenging the impugned notice dated 22.10.2024 of the 1st respondent, the petitioner is before this Court.



WP(MD). No.26445 of 2024

WEB COPY

4. The impugned notice is one under Section 7 of the Tamil Nadu Land Encroachment Act (hereinafter referred to as 'the Act'). It is in the nature of a show cause notice calling upon the recipient to tender his explanation as to why further action under Section 6 of the Act should not be initiated against him.

5. It is settled proposition of law that this Court, exercising its power under Article 226 of the Constitution of India, will not venture to interfere with a show cause notice, except under a few exceptions. The grounds raised in the present writ petition does not fall under any of these exceptions.

6. In view of the above, the writ petition is not maintainable. However, the learned counsel for the petitioner submits that he has valid grounds to respond to the notice and therefore, seeks indulgence to give his reply.



WP(MD). No.26445 of 2024

WEB COPY

7. In the light of the said submission, the petitioner is granted liberty to give his reply to the impugned notice within fifteen days from the date of receipt of a copy of this order. On receipt of the same, the 1st respondent shall consider it on its own merits and take further proceedings in accordance with law, after extending due opportunity to the petitioner as well as any other persons, who are interested in the subject matter.

8. With the above direction, the writ petition stands dismissed. There shall be no order as to cost. Consequently connected Miscellaneous Petitions are closed.

[M.S.R.,J]

[A.D.M.C.,J]

05.11.2024

NCC : Yes/No

Index : Yes/No

RR



WEB COPY



WP(MD). No.26445 of 2024

TO

1. The Assistant Divisional Engineer,
Department of Highways,
(Construction and Maintenance),
Keeranur Post, Kulathur Taluk,
Pudukkottai District.

2. The District Collector,
Pudukkottai District,
Pudukkottai.



WP(MD). No.26445 of 2024

M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

RR

ORDER
IN
WP(MD) No.26445 of 2024

Date : 05/11/2024