



WP(MD). No.28514 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.11.2024

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

WP(MD). No.28514 of 2024
and WMP(MD) No.24189 of 2024

K. Neethiraja

... Petitioner

Vs

1. The Divisional Engineer,
National Highways Department, Ka(Ma) Pa,
Thoothukudi ,
Thoothukudi District.

2. The Assistant Divisional Engineer,
National Highways Department, Ka(Ma) Pa,
Kovilpatti,
Thoothukudi District.

3. The Thasildar,
Kovilpatti Taluk,
Thoothukudi District.

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned notice in Ku.No. 739/2023/A2 dated 11.11.2024 issued by the 2nd respondent and quash the same and consequently direct the respondents to survey the



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petitioners property in old Bimos No. 132, New S.Nos. 633/24 to 31 to the total extent of 4461 sq ft based on his documents as well as 40 feet Road runs in front of the petitioners house and also appoint an Advocate Commissioner so as to ensure the conjoint survey of said petitioners property and road and report the same.

For Petitioner : Mr.R.Gowrishankar

For Respondents : Mr.S.Shaji Bino
Special 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. The impugned order dated 11.11.2024 is one made under Section 28(2) of the Highways Act 2001 directing the petitioner to vacate from the encroached portion of the property in S.No.177-7-E. Earlier, when the petitioner was given a show cause notice for eviction, he has challenged the same before this Court in WP(MD) No.444/2024 and by



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order dated 10.01.2024, a Coordinate Bench had directed the Tahsildar of Kovilpatti Taluk to measure the property in question in the presence of the petitioner and if the survey reveals that the petitioner has encroached upon the property belonging to highways department, a direction was issued to the petitioner to hand over the possession of the property to the department from the date of the survey.

3. Admittedly, in this case, the survey was conducted on 19.08.2024 in the presence of the petitioner and an extent of 0.00.28 in S.No.277-7-E was found to be in illegal occupation of the petitioner. In accordance with the earlier direction of this Court, the present impugned notice dated 11.11.2024 has been issued, directing the petitioner to vacate from the property.

4. The petitioner has not made out any grounds as to how the notice is illegal. On the other hand, we are of the considered view that the respondents have taken further course of proceedings, in accordance with the direction of this Court in WP(MD) No.444/2024.



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5. As such, there are no merits in this case. Accordingly, the writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

[M.S.R.,J]

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

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NCC : Yes/No

Index : Yes/No

RR

TO

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2. The Assistant Divisional Engineer,
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Kovilpatti, Thoothukudi District.

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AND
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RR

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