



W.P.(MD)No.3927 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.02.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.3927 of 2025

K.Dharmar

... Petitioner

vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Assistant Engineer,
(State Highways)
Construction and Maintenance,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to consider the petitioner's application dated 18.12.2024 and pass appropriate orders within a stipulated time as prescribed by this Court.

For Petitioner :Mr.A.Chandrakumar
For Respondents :Mr.G.Suriyananth
Special Government Pleader



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ORDER

This writ petition seeks for mandamus to consider the petitioner's application under Section 26(2) of Tamil Nadu Highways Act, 2002 (hereinafter referred to as 'Act' for brevity).

2. When the matter came up for admission, Mr.G.Suriyananth, learned Special Government Pleader, who accepts notice on behalf of the respondents, represents that notice to remove the encroachment made by the petitioner had been issued to the petitioner. This was challenged by way of W.P(MD).No.22011 of 2024. He points out that a Division Bench of this Court had directed the Highways Department to consider the request that had been made by the petitioner for grant of a license under Section 26(2) of the Act. The department also considered the representation of the petitioner dated 09.09.2024 and rejected the same by way of an order dated 29.11.2024. Hence, he pleads that as the request of the petitioner has already been rejected, there is no question of considering the representation dated 18.12.2024, all over again.



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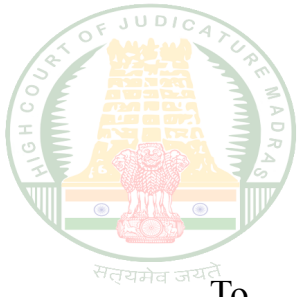
3. Mr.A.Chandrakumar, states that the order dated 29.11.2024 has not been served on the petitioner and hence, the petitioner was constrained to give further representation and filed this writ petition.

4. I have considered the submissions of both sides.

5. As rightly contended by the learned Special Government Pleader when the representation of the petitioner has already been rejected, there is no question of reconsideration of the said order by way of further representation. It is for the petitioner to work out his rights with respect to the order dated 29.11.2024. Leaving that option open to the petitioner, this Writ Petition is dismissed. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Rmk

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V. LAKSHMINARAYANAN, J.

Rmk

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