



W.P(MD)No.10428 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.10428 of 2025
and
W.M.P(MD)Nos.7784 & 7786 of 2025**

U.K.Industries,
Represented by its Manager,
G.Gunalan

... Petitioner

vs.

1.The District Collector,
Pudukottai, Pudukottai District.

2.The Superintendent Engineer,
The State Highways Department,
Pudukottai District.

3.The Assistant Divisional Engineer (Construction & Maintenance),
The State Highway Department, Pudukottai,
Pudukottai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned order in Ka.No.202/2024/A1 passed by the third respondent in his proceedings dated 11.03.2025 and quash the same.



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For Petitioner : Mr.N.Kamesh

For Respondents : Mrs.D.Farjana Ghousia
Special Government Pleader

ORDER

(Order of the Court was made by J. NISHA BANU, J.)

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.According to the petitioner, one Kavidas started a business in the name and style of M/s. U.I. Industries in the year 1995, on approximately 1 acre and 74 cents of land in Survey Nos. 506/1 and 506/2, located at No.1, Kumaramangalam Industrial Estate, Mathur Village, Pudukottai District. The land is classified as Ryotwari Natham. The industry consists of a permanent structure with a solid foundation and is engaged in the manufacture and distribution of supplementary parts to BHEL, Trichy, and other Central Government projects. Currently, around 40 labourers are employed in the industry. The petitioner has been paying professional tax to the Kumaramangalam Panchayat for the said business.



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3.In the meantime, the petitioner attempted to expand the working area and, for that purpose, submitted a representation seeking patta for the land located at the rear side of the industry, for valuable consideration. While the process was ongoing, the third respondent suddenly entered the petitioner's premises and pasted a show cause notice bearing reference Ka.No.202/2024/A1, dated 04.02.2024, directing the petitioner to produce relevant documents within seven days to avoid removal of alleged encroachments. The petitioner requested additional time to produce the documents, as the Managing Director of the petitioner company resides in the U.S.A. and holds the necessary documents.

4.The grievance of the petitioner is that the third respondent, without providing sufficient opportunity to prove his *bona fide* possession, passed the impugned order in Ka.No.202/2024/A1, dated 11.03.2023, under Section 28(2) of the State Highways Act. Aggrieved by the said order, the petitioner has filed the present Writ Petition.

5.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.



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6.Considering the submissions made by the learned counsel on either side, the petitioner is directed to submit his explanation/objection before the third respondent, enclosing all relevant materials to substantiate his claim, if not already submitted, within a period of four weeks from the date of receipt of a copy of this order. The concerned authority is directed to consider the same and pass appropriate orders on merits and in accordance with law, after affording sufficient opportunity of personal hearing to all concerned parties, within a period of eight weeks thereafter.

7.With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

[J.N.B.,J.] & [S.S.Y.,J.]
21.04.2025

NCC : Yes / No
Index : Yes / No
ps



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J.NISHA BANU, J.
and
S.SRIMATHY, J.

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ORDER MADE IN
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