



W.P(MD)No.15818 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.01.2025

CORAM :

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.15818 of 2024
and
WMP(MD)Nos.13768, 13807, 13809 and 15174 of 2024**

1 S.RAMU
2 VIJAYA NIRMALA,
3 AMUTHA

... PETITIONERS

vs.

1 THE DISTRICT COLLECTOR,
COLLECTORATE OFFICE,
MADURAI DISTRICT.

2 THE THASILDAR / MONITORING COMMITTEE,
VADIPATTI TALUK,
MADURAI DISTRICT.

3 THE DIVISIONAL ENGINEER,
CONSTRUCTION AND MAINTENANCE,
MADURAI 2.

4 THE ASSISTANT DIVISIONAL ENGINEER,
CONSTRUCTION AND MAINTENANCE,
HIGHWAYS DEPARTMENT, VADIPATTI,
MADURAI DISTRICT.



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5 THE HEAD SURVEYOR,
VADIPATTI TALUKA,
VADIPATTI,
MADURAI DISTRICT.

... RESPONDENTS

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the 3rd respondents vide Ka.No.01/2024/A2 dated 02.07.2024 and quash the same as illegal as devoid of merits and further direct the 3rd respondents that not interfere in the petitioners peaceful possession.

For Petitioner : Mr.M.Jothiramalingam

For Respondents: Mr.S.Shaji Bino

Special Government Pleader

ORDER

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

The order passed under Section 28 of the Tamil Nadu Highways Act, 2001, directing the petitioners to remove the encroachment made by them in Survey No.426/2, of Mullipallam Village, Vadipatti Taluk, Madurai District, is put under challenge in this writ petition.



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2. Perusal of the said order would reveal that the respondents have followed the procedure by issuance of show cause notice to the petitioners. All the three petitioners appear to have given their respective replies also on 30.05.2024. On consideration of the replies, the respondents had come to the conclusion that the petitioners have not substantiated their title over the properties in their occupation and therefore, have rejected the same.

3. In our view, the respondents have resorted to the proper procedure contemplated under the Act and hence, no interference is required to the impugned order.

4. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(M.S.R, J.) (A.D.M.C, J.)
24.01.2025

Index : Yes / No
Neutral Citation : Yes / No
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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.
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ORDER MADE IN
W.P(MD)No.15818 of 2024
DATED : 24.01.2025