
(2010) 09 MAD CK 0400

In the Madras High Court

Case No : Writ Petition (MD) No. 12345 of 2010 and M.P. (MD) No. 1 of 2010

R. Mathialagan

APPELLANT

Vs

The Divisional Engineer (High Ways) and Assistant Divisional Engineer (Highways)

RESPONDENT

Date of Decision : 30-09-2010

Acts Referred:

Citation : (2010) 09 MAD CK 0400

Hon'ble Judges : S. Nagamuthu, J;P. Jyothimani, J

Bench : Division Bench

Advocate : N. Vallinayagam, for the Appellant; V. Rajasekaran, Special Government Pleader, for the Respondent

Judgement

P. Jyothimani, J.—Mr. V. Rajasekaran, learned Special Government Pleader takes notice for the Respondents.

2. This Writ Petition is directed against the impugned show cause notice issued by the second Respondent in his proceedings in N. Ku. No. 23/2010/E.V.T.A/Encroached dated 23.09.2010 3.

3. What is impugned in this writ petition is only a notice issued by the second Respondent, directing the Petitioner to remove the house portion, which is stated to have been encroached, within a period of seven days from the date of receipt of a copy of this order and if he has any objection, he has to approach the authority along with necessary documents. On the face of it, there is nothing to interfere with the impugned order passed by the second Respondent. However, it is made clear that the Petitioner shall be entitled to give explanation for the show cause notice, which is impugned in this writ petition, within a period of 15 days from the date of receipt of a copy of this order and thereafter, the Respondents shall pass orders on merits and in accordance with law. Till such orders are passed, the Respondents shall not demolish the house portion, which is stated to be in possession of the Petitioner.

4. With the above observations, this writ petition is disposed of. However, there will be no order as to costs. Consequently, the connected M.P.(MD) No. 1 of 2010 is closed.