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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NOS.29039, 29041, 29042, 28163, 29040, 29460, 29558, 29458,
29043, 29044, 29456, 29457 AND 29459 OF 2013

AND

M.P.NOS. 1 TO 1 OF 2013

G.K.Mani,
S/o. Kandasamy Gounder,
President, Pattali Makkal Katchi.

... Petitioner in all WP's

Vs.

1. The Additional Chief Secretary /
Commissioner of Revenue Administration,
Revenue Department - Administration Disaster,
Management and Mitigation Department,
Ezhilagam, Chepauk, Chennai-600 005.

2. The District Manager,
TASMAC Ltd., Namakkal District.

... RESPONDENTS in WP No.29039 of 2013

1. The Additional Chief Secretary /
Commissioner of Revenue Administration,
Revenue Department - Administration Disaster,
Management and Mitigation Department,
Ezhilagam, Chepauk, Chennai-600 005.

2. THE DISTRICT MANAGER,
TASMAC LTD., CUDDALORE DISTRICT.

... RESPONDENTS in WP No.29041 of 2013

1. The Additional Chief Secretary /
Commissioner of Revenue Administration,
Revenue Department - Administration Disaster,
Management and Mitigation Department,



Ezhilagam, Chepauk, Chennai-600 005.

2. THE DISTRICT MANAGER,
TASMAC LTD., THIRUVALLUR DISTRICT.

... RESPONDENTS in WP No.29042 of 2013

1. The Additional Chief Secretary /
Commissioner of Revenue Administration,
Revenue Department - Administration Disaster,
Management and Mitigation Department,
Ezhilagam, Chepauk, Chennai-600 005.

2. THE SENIOR REGIONAL OFFICER/
DISTRICT MANAGER INCHARGE, TAMILNADU STATE
MARKETING CORPORATION LTD., (TASMAC)
ALAGAPURAM, SALEM DISTRICT - 636 016.

... RESPONDENTS in WP No.28163 of 2013

1. The Additional Chief Secretary /
Commissioner of Revenue Administration,
Revenue Department - Administration Disaster,
Management and Mitigation Department,
Ezhilagam, Chepauk, Chennai-600 005.

2. THE DISTRICT MANAGER,
TASMAC LTD., PERAMBALUR DISTRICT

... RESPONDENTS in WP No.29040 of 2013

1. The Additional Chief Secretary /
Commissioner of Revenue Administration,
Revenue Department - Administration Disaster,
Management and Mitigation Department,
Ezhilagam, Chepauk, Chennai-600 005.

2. THE DISTRICT MANAGER,
TASMAC LTD., KRISHNAGIRI DISTRICT.

... RESPONDENTS in WP No.29460 of 2013

1. The Additional Chief Secretary /
Commissioner of Revenue Administration,
Revenue Department - Administration Disaster,
Management and Mitigation Department,
Ezhilagam, Chepauk, Chennai-600 005.



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2. THE SENIOR REGIONAL OFFICER/
DISTRICT MANAGER IN CHARGE, TAMILNADU STATE
MARKETING CORPORATION LTD., (TASMAC)
DHARMAPURI DIST.

... RESPONDENTS in WP No.29558 of 2013

1. The Additional Chief Secretary /
Commissioner of Revenue Administration,
Revenue Department - Administration Disaster,
Management and Mitigation Department,
Ezhilagam, Chepauk, Chennai-600 005.

2. THE DISTRICT MANAGER,
TASMAC LTD., VILLUPURAM DISTRICT.

... RESPONDENTS in WP No.29458 of 2013

1. The Additional Chief Secretary /
Commissioner of Revenue Administration,
Revenue Department - Administration Disaster,
Management and Mitigation Department,
Ezhilagam, Chepauk, Chennai-600 005.

2. THE DISTRICT MANAGER,
TASMAC LTD., THITUVANNAMALAI DISTRICT

... RESPONDENTS in WP No.29043 of 2013

1. The Additional Chief Secretary /
Commissioner of Revenue Administration,
Revenue Department - Administration Disaster,
Management and Mitigation Department,
Ezhilagam, Chepauk, Chennai-600 005.

2. THE DISTRICT MANAGER,
TASMAC LTD., VELLORE DISTRICT.

... RESPONDENTS in WP No.29044 of 2013

1. The Additional Chief Secretary /
Commissioner of Revenue Administration,
Revenue Department - Administration Disaster,
Management and Mitigation Department,
Ezhilagam, Chepauk, Chennai-600 005.

2. THE DISTRICT MANAGER,



TASMAC LTD., NAGAPATTINAM DISTRICT.

... RESPONDENTS in WP No.29456 of 2013

1. The Additional Chief Secretary /
Commissioner of Revenue Administration,
Revenue Department - Administration Disaster,
Management and Mitigation Department,
Ezhilagam, Chepauk, Chennai-600 005.

2. THE DISTRICT MANAGER
TASMAC LTD., KANCHEEPURAM DISTRICT.

... RESPONDENTS in WP No.29457 of 2013

1. The Additional Chief Secretary /
Commissioner of Revenue Administration,
Revenue Department - Administration Disaster,
Management and Mitigation Department,
Ezhilagam, Chepauk, Chennai-600 005.

2. THE DISTRICT MANAGER,
TASMAC LTD., DHARMAPURI DISTRICT.

... RESPONDENTS in WP No.29459 of 2013

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India, praying to issue a writ of certiorari calling for the records relating to the proceedings in
SR.No.481/TASMAC/NMKL/2013 dated 15.07.2013,
SR.No.456/TASMAC/DPI/2013 dated 13.06.2013,
SR.No.476/TASMAC/CUD/2013, SR.No.479/TASMAC/TVLR/2013
SR.No.480/TASMAC/SLM/2013, SR.No.475/TASMAC/PRLR/2013,
SR.No.471/TASMAC/KRI/2013, SR.No.474/TASMAC/VPM/2013,
SR.No.473/TASMAC/TVM/2013, SR.No.472/TASMAC/VLR/2013,
SR.No.477/TASMAC/NGM/2013, SR.No.478/TASMAC/KPM/2013,
SR.No.482/TASMAC/DPI/2013 dated 15.07.2013 of the 1st respondent herein and quash the same.

For Petitioner in all WPs : Mr.K.Balu

For Respondent 1 in all WPs : Mr.K.M.D.Muhilan
Government Advocate

For Respondent 2 in all WPs : 1.Mr.K.Sathish Kumar and
2.Mr.P.Arumuga Raja



COMMON ORDER

The learned counsel appearing on behalf of TASMAL furnished the details of property damages in respect of the individual writ petitions, which reads as under.

S.No.	Writ Petitions	Details of property damage
1	29039 of 2013 - Namakkal	Shop closed - Revenue loss
2	28163 of 2013 - Salem	Shop burnt - Revenue loss Rs.37,010/-
3	29456 of 2013 - Nagapattinam	Shop closed - Revenue loss
4	29558 of 2013 - Dharmapuri	Rs.50,000/- Property damage - 1 shop burnt
5	29460 of 2013 - Krishnagiri	Shop closed - Revenue loss
6	29040 of 2013 - Perambalur	Rs.3,65,130/- shop burnt
7	29457 of 2013 - Kancheepuram	Rs.1,17,060/- shop burnt
8	29458 of 2013 - Villupuram	Rs.2,08,670/- shop burnt
9	29042 of 2013 - Thiruvallur	Shop closed - Revenue loss
10	29043 of 2013 - Tiruvanamalai	Rs.3,80,230/- shop burnt
11	29044 of 2013 - Vellore	Rs.9,00,260/- shop burnt
12	29041 of 2013 - Cuddalore	Shop closed - Revenue loss
13	29459 of 2013 - Dharmapuri	Rs.56,000/- shop burnt

2. The learned counsel for the writ petitioners reiterated that in respect of the revenue loss the petitioner party cannot be held responsible. There is no allegation of damage or loss in such cases and therefore, the petitioners are to be exonerated in respect of the cases where the respondents have merely alleged revenue loss.



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3. In response, the learned Government counsel appearing on behalf of the department and the learned counsel appearing on behalf of the TASMALC opposed the contention raised by stating that the issues relating to revenue loss is to be determined only after conducting an enquiry and the nature of loss, whether such revenue loss caused due to the agitation or otherwise, by the petitioner and its members and all other mitigating factors are to be ascertained only by conducting an enquiry and therefore no opinion needs to be formed at this stage.

4. This Court is of the considered opinion that as far as the revenue loss is concerned, undoubtedly, if such revenue loss is caused due to the act of the persons then it is to be held that those persons are responsible. However, if the revenue loss is caused due to the administrative decision of the authorities competent without the involvement on the part of the persons who were on agitation or otherwise, then the petitioner cannot be held responsible for such losses. While conducting enquiry, a distinction is to be drawn in respect of the act committed by the petitioner and its members and certain administrative decisions taken for which the petitioner cannot be held responsible. Such a distinction is an arguable one based on facts and circumstances of each case. However, this Court cannot form an opinion with reference to the disputed facts as it is to be determined only by conducting an elaborate enquiry based on documents and evidences available on record.

5. The present writ petitions are pending for about 8 years. Thus, further delay would cause prejudice to either of the parties. In these circumstances, it is necessary that the enquiry must be conducted without any further delay. Accordingly, the following orders are passed:

(i) The relief as such sought for in the present writ petition stands rejected.

(ii) The 1st respondent is directed to continue the enquiry by following the procedures as contemplated and by affording opportunity to the writ petitioner and complete the enquiry in all respects and take a decision and pass orders on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.



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(iii) The petitioners are directed to co-operate for the early disposal of the enquiry proceedings by avoiding unnecessary adjournments. Even in case of adjournment on genuine grounds, the competent authority must record the reasons for such adjournments. In the event of non co-operation on the part of the parties, such non co-operation is to be recorded in the proceedings itself.

(iv) The 1st respondent is directed to issue a Circular to all the District Collectors and District Superintendent of Police across the State of Tamil Nadu, to ensure immediate actions in the event of any damage or loss to the property under the Act, and failure if any, should be viewed seriously and appropriate actions are to be initiated against the public authorities, who all are responsible and accountable for their lapses, negligence and dereliction of duties.

6. With the above directions, the writ petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

ars/mka

To

1. The Additional Chief Secretary /
Commissioner of Revenue Administration,
Revenue Department - Administration Disaster,
Management and Mitigation Department,
Ezhilagam, Chepauk, Chennai-600 005.



2. The District Manager,
TASMAC Ltd., Namakkal District.

+13ccs to Mr.K.Balu, Advocate, S.R.No.51729, 51730, 51731,
51732, 51733, 51734, 51735, 51736, 51737, 51738, 51739, 51740,
51741

+1cc to the Government Pleader, S.R.No.52330

W.P.Nos.29039, 29041, 29042, 28163,
29040, 29460, 29558, 29458, 29043,
29044, 29456, 29457 and 29459 of 2013

RLD(CO)
RLP(10/11/2021)