

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.05.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.11944 of 2021 & WMP.No.12706 of 2021

[Video Conferencing]

M.Kalaiselvan

Petitioner

Versus

- 1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of Revenue and
Disaster Management,
Fort St.George,
Chennai - 600 009.
 - 2.The District Collector,
Salem District,
Salem.
 - 3.The District Revenue Officer,
Salem District,
Salem.
 - 4.The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance,
Omalur, Salem District.
- ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus, calling for the records made in Ka.No.VALAKU/2021/U/ dated 08.04.2021 passed by the Assistant Divisional Engineer, Highways Department, Omalur, Salem District, the 4th respondent herein and quash the same as illegal and direct the third respondent to hold enquiry to issue Patta to the petitioner bearing Survey No.247/1A, Netogert Village, Mettur Taluk, Salem District.

For Petitioner : Mr.R.Sankarasubbu

For Respondents: Mrs.A.Srijayanthi
Special Govt. Pleader

ORDER

- (1) Heard the learned counsel for the petitioner and Mrs.A.Srijayanthi, learned Special Government Pleader accepting notice on behalf of the respondents.
- (2) The petitioner herein has approached this Court earlier by filing WP.No.19262/2020 and an order was passed on 18.12.2020 by the Coordinate Bench of this Court, wherein, after considering the representations given by the petitioner, a direction was given to the 7th respondent therein, viz., the Assistant Divisional Engineer, Highways Department, Construction and Maintenance, Omalur in Salem District/4th respondent herein to examine and dispose of the Notice dated 23.11.2020 which has been issued on behalf of the petitioner, taking into consideration the proviso to section 28 of the Highways Act. Time was granted for a period of three weeks to consider and pass orders on the said Notice. It was stated that before taking a decision, the petitioner and also anybody else interested, should also be put on notice and be heard.
- (3) The petitioner herein had questioned the said order and filed SLP [C] No.857/2021 and the Hon'ble Supreme Court of India, vide order dated 25.01.2021, maintained the said order, directing the authorities to pass final orders.
- (4) Aggrieved that no effective order has been passed, the petitioner has been forced to come back to this Court once again.
- (5) We would maintain the said order and direct the 4th respondent herein to re-examine the order already passed dated 08.04.2021. The grievance of the petitioner is that no proper opportunity was granted.
- (6) Let the 4th respondent once again re-examine the said issue and pass further orders, after holding an enquiry and thereafter decide whether patta can be granted to the petitioner or not. By enquiry, it would mean that effective opportunity is given to the petitioner and anybody else concerned with the grant or denial of patta to

the petitioner herein. Notices may be issued. Opportunity may be granted. They may be heard. Thereafter, further orders may be passed.

- (7) The writ petition stands allowed to that limited extent by setting aside the order in question. This Court directs the authority concerned to pass fresh orders. Time is granted to complete such exercise by 31.07.2021. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Principal Secretary,
Department of Revenue and
Disaster Management,
Fort St.George,
Chennai - 600 009.
- 2.The District Collector,
Salem District,
Salem.
- 3.The District Revenue Officer,
Salem District,
Salem.
- 4.The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance,
Omalar, Salem District.

+1cc to the Government Pleader Sr.27293, 27262

W.P.No.11944 of 2021

um[co]
srg 30/06/2021