



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.05.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. Nos. 11975 and 11977 of 2022
and
W.M.P. Nos. 11400 and 11401 of 2022

D.Arayerie .. Petitioner in WP No.11975/2022
S.Sumathi .. Petitioner in WP No.11977/2022

Versus

1. The Government of Tamil Nadu,
Represented by its Principal Secretary,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The District Collector,
Chennai District,
Chennai - 600 001.
3. The Chief Engineer,
Highways, (Construction & Maintenance)
Guindy, Chennai - 600 025.
4. The Divisional Engineer,
Highways (Construction & Maintenance),
Tiruvallur, Tiruvallur District.
5. The Assistant Divisional Engineer (Estate officer),
Highways (Construction & Maintenance),
Avadi, Chennai - 600 053.
6. The Tahsildar,
Maduravoyal Taluk,
Nolambur, Chennai - 600 095.

.. Respondents in both Writ Petitions

Common Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Fourth Respondent to dispose the Petitioner's appeal dated 04.04.2022 pending before him within a stipulated period of time.

For Petitioners : Mr.B.Gopalakrishnan
in both the Writ Petitions



WEB COPY

For Respondents

: Mr. J.Ravindran
Additional Advocate General
assisted by Mr. A.Selvendran
Special Government Pleader for RR1 & 2
in both the Writ Petitions

COMMON ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

Both the writ petitions are filed by the petitioners seeking to issue a Writ of Mandamus directing the fourth respondent to dispose of the Petitioners' appeals dated 04.04.2022 preferred by them within a time to be specified by this Court.

2. It is stated that the petitioners and their predecessors were residing in the lands bearing Door Nos. 17/18 and 3/283 respectively in Madha Koil Street, Nerkundram, Chennai - 600 010 for several decades. The said lands were classified as Grama Natham and patta has also been issued to the same. According to the petitioners, they have put up superstructure in the said lands and they have been in possession of the same, by paying the statutory charges to the authorities regularly, without any default. While so, the petitioners were issued with show cause notices dated 01.07.2021 invoking Section 28 (2) (ii) of the Tamil Nadu Highways Act, 2001 calling upon them to explain as to why they should not be dispossessed from the lands which are in their occupation. Upon receipt of the same, they duly submitted their replies on 05.07.2021. However, without conducting any enquiry and providing an opportunity of hearing to the petitioners, they were issued with notices dated 16.03.2022, following which, another notices dated 24.03.2022 directing them to remove the encroachments on their own, failing which the same will be removed at their cost, by the revenue officials. Aggrieved over the same, the petitioners preferred appeals dated 04.04.2022 before the fourth respondent and the same are pending without any consideration. Therefore, these writ petitions.

3. The learned counsel for the petitioners submitted that the petitioners have already filed statutory appeals on 04.04.2022 before the fourth respondent as against the notices dated 16.03.2002 and 24.03.2002 issued by the respondent authorities and the same have not yet been taken into consideration. The learned counsel further submitted that apprehending that during the pendency of the said appeals, the petitioners would be dispossessed from their respective lands, pursuant to the aforesaid notices issued by the respondent authorities, the petitioners are before this court with these writ petitions. Hence, the learned counsel prayed for appropriate direction to the fourth respondent to dispose of the appeals filed by the petitioners.



4. Mr.J.Ravindran, learned Additional Advocate General appearing for the respondents submitted that the appeals dated 04.04.2022 said to have been filed, are only the representations of the petitioners. However, the same would be considered and appropriate orders be passed by the fourth respondent, on merits and as per law, within a time frame to be stipulated by this court.

5. Taking note of the above facts and circumstances of the case coupled with the submissions made by the counsel for both sides, without going into the merits of the case, the fourth respondent is directed to consider the appeals / representations submitted by the petitioners on 04.04.2022, and pass orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioners, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, both the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

KST/rsh

To

1. The Principal Secretary
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai - 600 009.
 2. The District Collector,
Chennai District, Chennai - 600 001.
 3. The Chief Engineer,
Highways, (Construction & Maintenance)
Guindy, Chennai - 600 025.
 4. The Divisional Engineer,
Highways (Construction & Maintenance),
Tiruvallur, Tiruvallur District.
 5. The Assistant Divisional Engineer (Estate officer),
Highways (Construction & Maintenance),
Avadi, Chennai - 600 053.
 6. The Tahsildar,
Maduravoyal Taluk, Nolambur, Chennai - 600 095.
- +2 ccs to Mr.B.Gopalakrishnan, Advocate Sr.NO. 31072
+1 cc to Government Pleader Sr.NO. 31187