



WA Nos.288 and 292 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WA Nos.288 and 292 of 2022
and CMP Nos.2029, 2031, 2038 and 2040 of 2022

G.K.Mani	.. Appellant in WA.288/2022
Pattali Makkal Katchi,	
Rep. by its President, G.K.Mani.	.. Appellant in WA.292/2022

-vs-

- | | |
|---|---|
| 1. The Additional Chief Secretary,
Commissioner of Revenue Administration,
Revenue Department – Administration
Disaster Management and
Mitigation Department, Ezhilagam,
Chepauk, Chennai 600 005. | .. 1 st Respondent in both WAs |
| 2. The District Manager,
Tasmac Ltd., Namakkal District. | .. 2 nd Respondent in
WA.288/2022 |
| 2. The General Manager,
Metropolitan Transport Corporation
(Chennai) Limited, Pallavan House,
Chennai 600 002. | .. 2 nd Respondent in
WA.292/2022 |



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Prayer: Writ appeals filed under Clause 15 of the Letters Patent against the orders of the learned Single Judge dated 04.10.2021 and 23.09.2021 passed in W.P.No.29039 of 2013 and W.P.No.4072 of 2014 respectively.

For the Appellants : Mr.N.L.Rajah
Senior Counsel
for Mr.K.Balu

For the Respondents : Mr.P.Muthukumar
State Govt. Pleader for R-1
in both WAs.

: Mr.J.Ravindran
Addl. Advocate General
assisted by Mr.Sathishkumar,
Govt. Advocate in WA.288/2022

: Mr.M.Chidambaram
for R-2 in WA.292/2022

* * * * *

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.N.L.Rajah, learned Senior Counsel for the appellants, Mr.P.Muthukumar, learned State Government Pleader, for respondent No.1 and Mr.J.Ravindran, learned Additional Advocate General for respondent No.2.



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2. The show cause notices were issued to the appellants under the provisions of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 (in short 'the Act') claiming compensation. The appellants assailed the same by filing writ petitions. The learned Single Judge did not entertain the writ petitions and directed the enquiry to be concluded.

3. Mr.N.L.Rajah, learned Senior Advocate for the appellants/ petitioners submits that the impugned show cause notices are without jurisdiction. The provisions of Section 9 of the Act 1992 could not have been invoked inasmuch as there was no loss to the property. The property has been defined under Section 2 (4) of the Act. The definition of property would not engulf the revenue loss or the loss sustained because the shop was required to be closed or the buses could not ply on the road. In view of that, the notices being without jurisdiction, the Court ought to have exercised its jurisdiction under Article 226 of the Constitution. The learned Senior Advocate further submits that the notices have been issued to an individual and not to a political party. The notice to an individual also would not be



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maintainable. No individual act is attributed to the appellants. The learned Senior Advocate also relies upon the judgment of the learned Single Judge of this Court dated 12.09.2022 in W.P.No.24426 of 2014 (between Pattali Makkal Katchi vs. The Addl. Chief Secretary and Another). The learned Senior Advocate further submits that the appellants are acquitted of the offences alleged against them.

4. The show cause notices are impugned by filing writ petitions. This Court would be slow in exercising its jurisdiction under Article 226 of the Constitution qua challenge to a show cause notice. The exception would be if the show cause notice is issued without jurisdiction.

5. The property has been defined under the Act. The provision is also made regarding the liability to pay compensation in certain cases. Whether actually the shops were required to be kept closed or the buses could not ply and because of that there was loss of revenue would be a disputed question of fact which certainly will have to be considered by the authority. The authority also would be required to consider as to whether the loss of revenue would be within the realm



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of the definition of property. These aspects certainly will have to be considered by the authority before passing final order determining compensation under Section 9 of the Act. The same requires an enquiry. The appellants have got opportunity to file reply to the notices as contemplated under Section 9 of the Act and even an appellate remedy is provided against the same.

6. The learned Senior Advocate submits that one reply has been filed by the appellants to the show cause notices and opportunity be given to file additional reply. The appellants may file additional reply within fifteen days from today. The appellants may rely upon the documents and judgments as may be applicable and the authority certainly has to consider all the documents and judgments which would be cited by either of the parties. Upon receipt of the additional reply, documents and judgments relied upon by the appellants, the authority shall proceed further pursuant to the show cause notices and decide the same in accordance with law. The authority may also consider the contention of the appellants regarding the effect of acquittal in the criminal cases.



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With these observations, the writ appeals stand disposed of. There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(D.B.C., J.)

21.11.2023

Index : Yes/No
Neutral Citation : Yes/No
sra

To

1. The Additional Chief Secretary,
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