



WEB COPY



WP Nos.27297 of 2023 and 33586 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

WP Nos.27297 of 2023 and 33586 of 2022
and WMP No.26732 of 2023 and 33044 & 33045 of 2022

P.Chinnababu

... Petitioner in
both WPs.

-VS-

1. The Revenue Divisional Officer,
Office of Revenue Division,
Avadi, Chennai 600 054.

2. The Thasildar,
Office of Thasildar,
Avadi, Chennai 600 054.

3. The Commissioner,
Office of Corporation,
Avadi, Chennai 600 054.

... Respondents 1 to 3
in both WPs.

4. Kasthuri

... 4th Respondent in
WP.33586/2022

Prayer: Petitions filed under Article 226 of the Constitution of India for issuance of (i) WP.27297/2023 - Writ of Certiorari to call for the records pertaining to Na.Ka.No.3600/2022/F2 dated 07.09.2023 issued by the 3rd respondent and quash the same; and (ii) WP.33586/



WP Nos.27297 of 2023 and 33586 of 2022

2022 – Writ of Certiorarified Mandamus to call for the records pertaining to Na.Ka.No.3600/2022/F2 dated 21.11.2022 issued by the 3rd respondent and quash the same and consequently direct the 1st and 2nd respondents to consider the petitioner's representations dated 12.09.2022 and 14.10.2022 to rectify the revenue records maintained by the 2nd respondent and consequently issue Patta to the petitioner's property situated at Door No.6, Old Door No.1, Mosque Street, Muthapudupet, Avadi I.A.F., Chennai-600 055, comprised in Old Survey No.35/1A, Re-survey No.35/2B, 2A1 and 2A2, measuring 9 cents (i.e.,3920 sq.ft.) Muthapudupet Village, Avadi Taluk, Thiruvallur District.

For the Petitioner : Mr.P.V.Balasubramanian
Senior Counsel
for Mr.K.Chandrasekaran

For the Respondents : Mrs.R.Anitha,
Special Government Pleader,
for RR 1 and 2
: Mr.R.Gopinath for R-3

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.P.V.Balasubramaniam, learned senior counsel for the petitioner, Mrs.R.Anitha, learned Special Government Pleader, for respondent Nos.1 and 2 and Mr.R.Gopinath, learned counsel for respondent No.3.



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2. The writ petition bearing No.27297 of 2023 is filed challenging the notice issued under Section 128(b) of the Tamil Nadu Urban Local Bodies Act, 1998. One of the contentions is that the notice issued is a notice directing removal of encroachment. Show cause notice is not issued as required under Section 128(1)(b) of the Act 1998.

3. The learned counsel for the petitioner submits that enquiry is being conducted by the revenue authorities with regard to the rectification of the revenue records as sought by the petitioner. The relief to that extent is claimed in W.P.No.33586 of 2022.

4. As enquiry has already commenced and the petitioner is also called for enquiry on 26.12.2023, no further orders are required to be passed in W.P.No.33586 of 2022. The authorities therein would complete the enquiry expeditiously.

5. As the order impugned in W.P.No.27297 of 2023 issued under Section 128(b) of the Act 1998 is not preceded by a show cause



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notice, we pass the following order.

6. The impugned notice/order shall be construed as a show cause notice to the petitioner. The petitioner shall file reply to the same within fifteen days from today. After the reply is filed, the respondents shall consider the reply filed by the petitioner and thereafter, take a decision on its own merits.

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

(S.V.G., CJ.)

(P.D.A., J.)

21.09.2023

Index : Yes/No
Neutral Citation : Yes/No

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(sra)

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