



WP No.33959 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.33959 of 2023

and

Review Application (Writ) No.213 of 2023

WP No.33959 of 2023

Sri Raghavendra Filling Station
Rep.by its Proprietor Mrs.K.Shanbagavalli : Petitioner

versus

- 1.The District Collector, Chennai District
- 2.The Revenue Divisional Officer
Ambattur, Chennai-600053.
- 3.The Tahsildar
Ambattur Taluk, Ambattur, Chennai-600053.
- 4.The Divisional Engineer
Highways (C & M) City Road,
No.394/4, Anna Salai, Chennai-600006.
- 5.The Assistant Divisional Engineer
Highways (C & M)
Chennai City Roads Sub Division, Chennai -600015.
- 6.Indian Oil Corporation Ltd.
A Government of India Undertaking

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Having registered Office at No.G-9,
Ali Yuvar Jung Marg, bandra, Mumbai 600051
7.Indian Oil Corporation Ltd.
A Government of India Undertaking
Having registered Office
No.500, Anna Salai, Teynampet, Chennai 18

8.Gandhimathi Ramarao

: Respondents

Writ Petition filed seeking a Writ of Certiorarified Mandamus calling for records comprised in the proceedings of 5th respondent bearing proceedings No.286/2010/E.Ni.Va dated 30.10.2023 and quash the same and consequently forbear the respondents herein not to in any manner evict the petitioner or the occupants of the property situated in T.S.No.169, 170, Old Survey No.151/1A1A1C1A2 Ward No.E, Block No.31, Korattur, Villivakkam, Chennai-600 049 pursuant to the order passed by the 5th respondent in proceedings No.286/2010/ E.Ni.Va, dated 30.10.2023.

For the Petitioner : Mr.T.T.Ravichandran

For Respondents 1 to 5 : Mr.P.Muthukumar,
State Government Pleader

For respondents 6 & 7 : Mr.AR.L.Sundaresan,
Additional Solicitor-General,
for Mr.V.Anantha Natarajan

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4.The Tahsildar
Ambattur Taluk, Ambattur, Chennai-600053.

5.The Divisional Engineer
Highways (C & M) City Road,
No.394/4, Anna Salai, Chennai-600006.

6.The Assistant Divisional Engineer
Highways (C & M)
Chennai City Roads Sub Division, Chennai -600015.

Prayer: Petition filed seeking to review the order passed by this Court in WP No.6350 of 2020 dated 04.10.2023.

For the Petitioner : Mr.T.T.Ravichandran

For Respondents 2 to 6 : Mr.P.Muthukumar,
State Government Pleader

COMMON ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.T.T.Ravichandran, learned counsel for the petitioner, Mr.P.Muthukumar, learned State Government Pleader, appearing for the official respondents and Mr.AR.L.Sundaresan, learned Additional Solicitor-General appearing for the Indian Oil Corporation/ respondents 6 and 7 in the writ petition.

2. The learned counsel for the petitioner submits that straightaway, order



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has been passed by the Government, directing the petitioner to vacate from the subject writ property. It is contended by the learned counsel for the petitioner that the petitioner is the lessor of respondents 6 and 7 and the said respondents are running a retail outlet in the writ property. Prior to the impugned order, the petitioner was not served with any show cause notice and directly, order to vacate the premises is passed.

3. Mr.P.Muthukumar, learned State Government Pleader, submits survey was conducted prior to the passing of the impugned order.

4. The learned Additional Solicitor-General appearing for respondents 6 and 7 submits that respondents 6 and 7 are in possession of the property by virtue of a lease. They are also not issued with any notice; nor any survey was conducted in their presence.

5. Be that as it may, it does not appear that prior to the impugned notice, show cause notice was issued to the petitioner and/or respondents 6 and 7.

6. In light of that, the notice dated 30.10.2023 shall be construed as a show-cause notice. The petitioner and respondents 6 and 7 shall file their say to



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the same within fifteen days from today. The petitioner and respondents 6 and 7 may place documents on which they rely. The authority concerned shall consider the documents/ materials placed on record by the petitioner and respondents 6 and 7 and then take a decision in accordance with law.

7. With this observation, the writ petition and the review application are disposed of. There will be no order as to costs. Consequently, WMP Nos.33627 and 33845 of 2023 are closed.

(S.V.G., C.J.)

(D.B.C., J.)

18.12.2023

Index : Yes/No
Neutral Citation : Yes/No
tar

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THE HON'BLE CHIEF JUSTICE

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