



WEB COPY

W.P.Nos.6337, 6399, 9094 & 12126 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

W.P.Nos.6337, 6399, 9094 & 12126 of 2024

and

W.M.P.Nos.7044, 7109, 7111, 9033, 10117, 13223 and 13225 of 2024

in

W.P.Nos.6337, 6399, 9094 & 12126 of 2024

W.P.No.6337 of 2024

M/s.Indian Oil Corporation Ltd.,
Represented by its Divisional Manager (Retail)
Chennai Divisional Office
No.500, Anna Salai, Teynampet
Chennai-600 018.

... petitioner

Vs.

1. State Government of Tamil Nadu
Rep. by Secretary
Highways Department
Fort St.George, Secretariat
Chennai-600 009.
2. The Division Engineer (Highways)
Construction & Maintenance

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W.P.Nos.6337, 6399, 9094 & 12126 of 2024

Chennai City Road Division
Chennai-600 015.

3. The Assistant Division Engineer (Highways)
Construction & Maintenance
Chennai City Roads Sub Division
Chennai-600 015.

... Respondents

Writ Petition No.6337 of 2024 filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to the order passed by the 3rd respondent dated 29.02.2024 bearing Lr.No.286/2010/Assistant and Lr.No.286/2010/Asst dated 06.03.2024 and quash the same.

W.P.No.6399 of 2024

K.Shanbagavalli
Proprietrix
M/s.Sri Ragavendra Filling Station
W/o.Koteswaran

... petitioner

Vs.

1. The Revenue Divisional Officer
Chennai Central Division
Off. Thirumangalam Junction
Chennai-600 101.
2. The Tahsildar
Ambattur Taluk Office
Chennai - Tiruvallur High Road
Gandhi Nagar, Ambattur

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W.P.Nos.6337, 6399, 9094 & 12126 of 2024

Chennai-600 053.

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3. The Divisional Engineer
Highways (C&M) City Road
No.394/4, Anna Salai
Chennai-600 006.
4. The Assistant Divisional Engineer
Highways (C & M)
Chennai City Roads Sub Division
Cheani-600 015.
5. Indian Oil Corporation Limited
A Government of India undertaking
Having its registered office at
No.G-9, All Yuvar Jung Marg
Bandra, Mumbai - 600 051.
6. Indian Oil Corporation Limited
A Government of India Undertaking
Having its Chennai Divisional Office at
No.500, Anna Salai, Teynampet
Chennai-600 018.

... Respondents

Writ Petition No.6399 of 2024 filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to the order passed by the 4th respondent dated 29.02.2024 bearing 286/2010/Assistant and quash the same.

W.P.No.9094 of 2024

T.A.S.Nazeer
S/o.Syed Abdul Khader

... petitioner

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W.P.Nos.6337, 6399, 9094 & 12126 of 2024

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Vs.

1. The District Collector
Chennai District
Chennai-600 001.
2. The District Revenue Officer
Chennai District.
3. The Revenue Divisional Officer
Chennai Central Zone
Chennai-600 101.
4. The Tahsildar
Ambattur Taluk, Ambattur
Chennai-600 053.
5. The Assistant Divisional Engineer
Highway (c & M)
Chennai City Roads Sub Division
Chennai-600 015.

... Respondents

Writ Petition No.9094 of 2024 filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records on the file of 5th respondent in Letter No.286/2010/Assist dated 29.02.2024 and quash the same.

W.P.No.12126 of 2024

S.Suresh
S/o.S.Swamy

... petitioner

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W.P.Nos.6337, 6399, 9094 & 12126 of 2024

Vs.

WEB COPY

1. The Revenue Divisional Officer
Chennai Central Division
Off : Thirumangalam Division
Chennai-600 101.
2. The Tahsildar
Ambattur Taluk Office
Chennai-Thiruvallur High Road
Gandhi Nagar, Ambattur,
Chennai-600 053.
3. The Divisional Engineer,
Highways (C & M)
City Road, 394/4
Anna Salai, Chennai-600 009.
4. The Assistant Divisional Engineer
Highways (C&M)
Chennai City Roads Sub Division
Chennai-600 015.

... Respondents

Writ Petition No.12126 of 2024 filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the order passed by the 4th respondent dated 29.02.2024 proceeding letter number 286/2010/Assistant and quash the same.

W.P.No.6337 of 2024

For Petitioner	:	Mr.AR.L.Sundaresan Senior Counsel for Mr.V.Anantha Natarajan
For Respondents	:	Mr.T.K.Saravanan Government Advocate



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W.P.Nos.6337, 6399, 9094 & 12126 of 2024

for R1 to R3

W.P.No.6399 of 2024

For Petitioner

:

Mr.Sharukumar .S.I

for Mr.R.Ashraf Khan

For Respondents

:

Mr.T.K.Saravanan

Government Advocate

for R1 to R4

Mr.V.Anantha Natarajan

for R5 and R6

W.P.No.9094 of 2024

For Petitioner

:

Mr.S.Karthikeyan

For Respondents

:

Mr.T.K.Saravanan

Government Advocate

for R1 to R5

W.P.No.12126 of 2024

For Petitioner

:

Mr.M.Baskar

For Respondents

:

Mr.T.K.Saravanan

Government Advocate

for R1 to R4

W.M.P.No.9033 of 2024 in W.P.No.6399 of 2024

For Petitioner

:

Mr.V.Elangovan

For Respondents

:

Mr.T.K.Saravanan

Government Advocate

for R1 to R4

Mr.V.Anantha Natarajan

for R5 and R6

COMMON ORDER

[Order of the Court was made by M.SUNDAR, J.,]

This common order will now dispose of the captioned '4 Writ Petitions' {hereinafter 'WP' in singular and 'WPs' in plural for the sake of

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W.P.Nos.6337, 6399, 9094 & 12126 of 2024

brevity} and 7 'Writ Miscellaneous Petitions' {hereinafter 'WMP' in singular and 'WMPs' in plural for the sake of brevity} thereat.

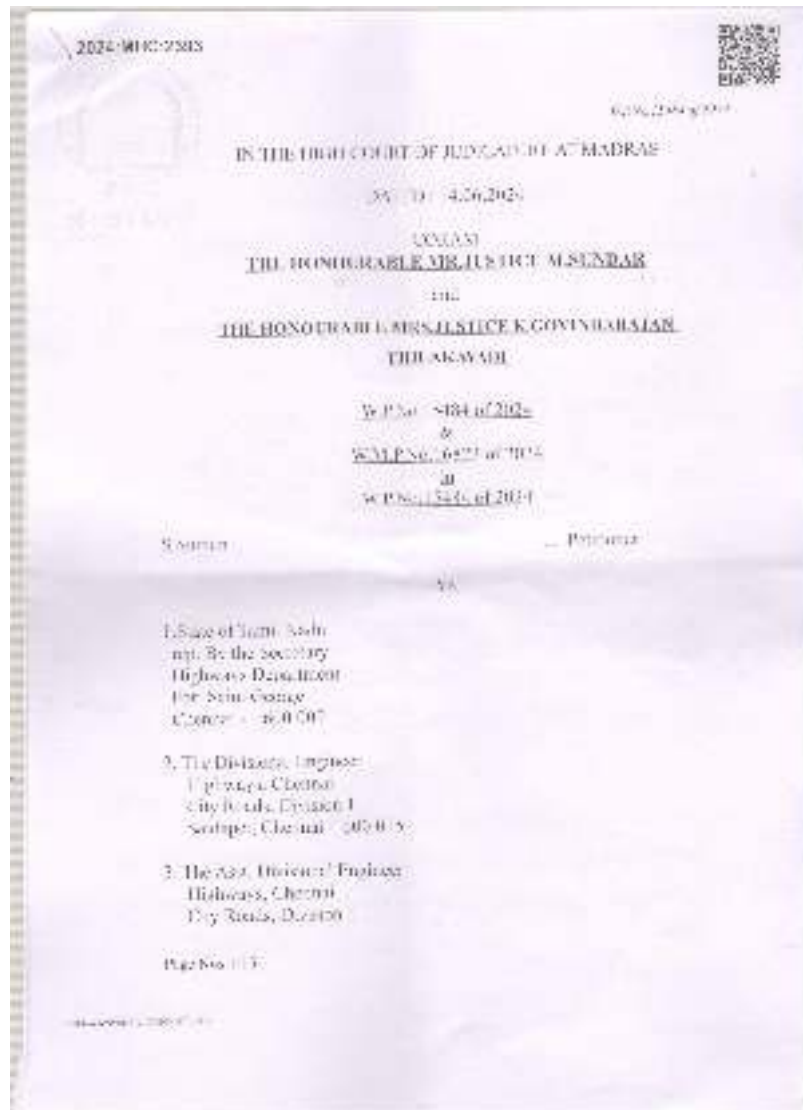
2. When the matter was taken up, Mr.AR.L.Sundaresan, learned Senior Counsel appearing on behalf of Mr.V.Anantha Natarajan, counsel on record for petitioner in W.P.No.6337 of 2024, Mr.Sharukumar .S.I, learned counsel representing Mr.R.Ashraf Khan, counsel on record for petitioner in W.P.No.6399 of 2024, Mr.S.Karthikeyan, learned counsel on record for petitioner in W.P.No.9094 of 2024, Mr.M.Baskar, learned counsel on record for petitioner in W.P.No.12126 of 2024, Mr.T.K.Saravanan, learned Government Advocate for R1 to R3 in W.P.No.6337 of 2024, for R1 to R4 in W.P.No.6399 of 2024, for R1 to R5 in W.P.No.9094 of 2024, for R1 to R4 in W.P.No.12126 of 2024 and Mr.V.Anantha Natarajan, learned counsel for R5 and R6 in W.P.No.6399 of 2024 are before this Court.

3. All the aforementioned learned counsel submit in one voice in unison that the captioned matters are squarely covered by an earlier order dated 14.06.2024 made by this Bench in ***S.Suman Vs. State of Tamil Nadu and five others*** {W.P.No.15484 of 2024 and WMPs thereat reported in ***2024 : MHC : 2393 [Neutral Citation of Madras High Court]***}.



W.P.Nos.6337, 6399, 9094 & 12126 of 2024

4. In the light of the aforementioned submission, we deem it appropriate to scan and reproduce the entire order in **Suman's** case. A scanned reproduction of **Suman's** case is as follows:





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WP Nos. 6337, 6399, 9094 & 12126 of 2024


[WP Nos. 6337, 6399, 9094 & 12126 of 2024]

Saidapet, Chennai – 600 015

4. The District Collector
62, Rajaji Salai
Chennai – 600 001

5. The Revenue Divisional Officer
Chennai Central Division
Ambalattur, Chennai – 600 101

6. The Tahsildar
Ambattur Taluk
Tiruvallur District
High Road, Gurinai Nagar
Ambattur

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari/Mandamus to call for the records relating to the impugned order dated 29.02.2024 in Letter No.286/2010/Assignment passed by the third respondent herein and to quash the same as illegal and consequently forhear the respondents not to evict the petitioner in any manner from the property bearing No.633, Sri Venkata Thyagarajar Nagar, 100 Feet Road, Korathur, Villivakkam, Chennai – 600 049 comprised in T.S.No.163/11, Survey No.181/1A/AIC1B3, Ward No.E, Block No.31, Korathur, Villivakkam, Chennai – 600 049 as confirm and ratify the title of the petitioner.

For Petitioner : Ms.S.Kavirha
For Respondents : Mr.T.K.Saravanan
Government Advocate

ORDER

[Order of the Court was made by MSUNDAR, J.]

This order will now dispose of the captioned 'Writ Petition' ['WP' for the sake of brevity] and captioned 'Writ Miscellaneous Petition' ['WMP' for

Page Nos.3015

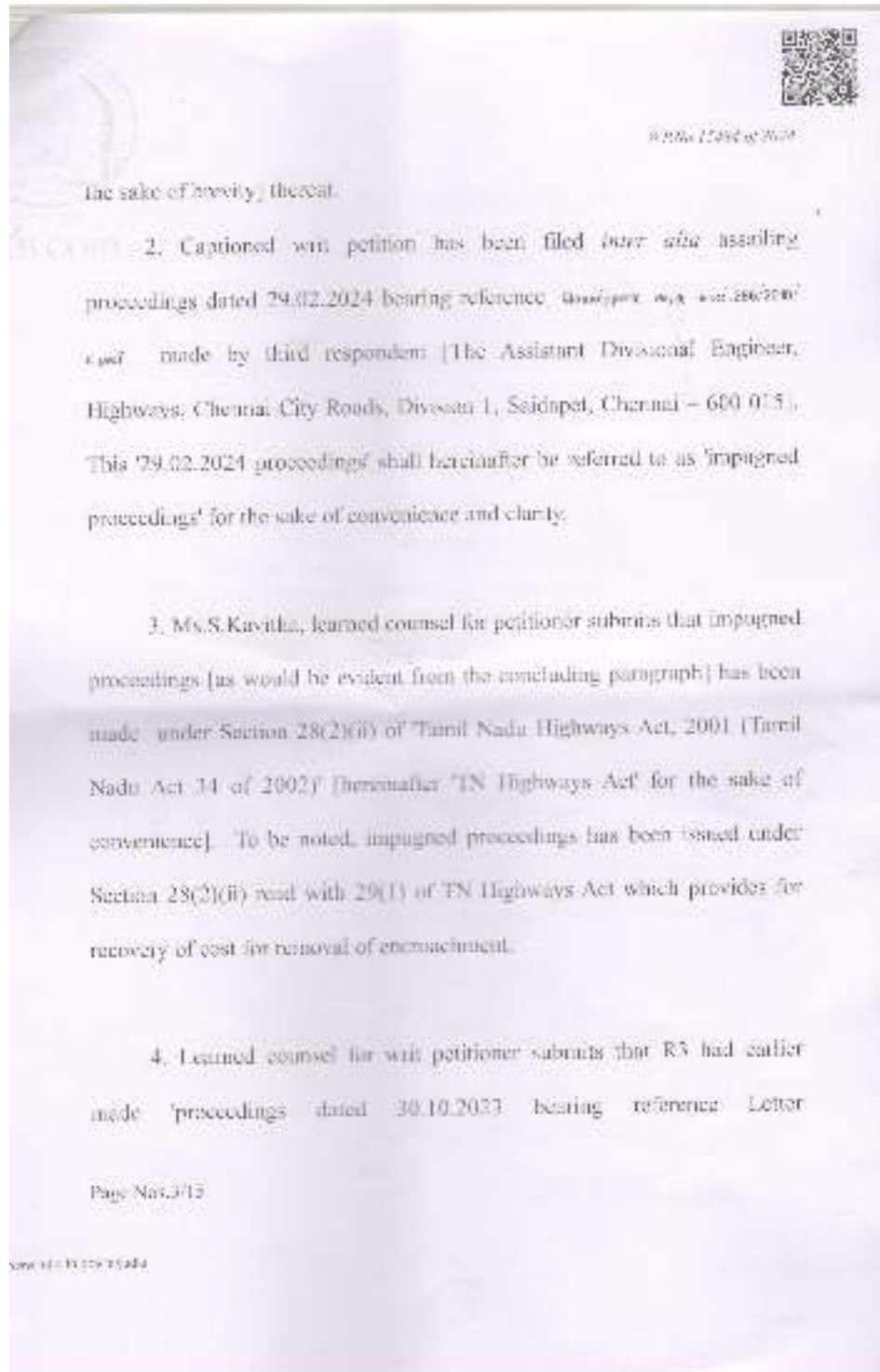
<https://www.mhc.tn.gov.in/judis>



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WP.Nos.6337, 6399, 9094 & 12126 of 2024





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WP.Nos.6337, 6399, 9094 & 12126 of 2024

WP.Nos.6337, 6399, 9094 & 12126 of 2024

No.286-2010/L.No.Va' [hereinafter 'earlier impugned proceedings' for the sake of convenience], earlier impugned proceedings were assailed by writ petition by way of W.P.No.3627 of 2024 and the same came to be disposed of by another Hon'ble Division Bench in and by an order dated 20.02.2024 and this order reads as follows.

IN THE HIGH COURT OF MADRAS AT MADRAS
DATED: 20.02.2024
JUDGE
THE HON'BLE JUSTICE J. K. RAJAGOPAL, JUDGE
AND
THE HON'BLE JUSTICE J. K. RAJAGOPAL, JUDGE
20.02.2024

1. The writ petition is filed by the petitioner, who is a resident of the District of Chennai, Tamil Nadu, India, and is a citizen of India.

2. The writ petition is filed by the petitioner, who is a resident of the District of Chennai, Tamil Nadu, India, and is a citizen of India.

3. The writ petition is filed by the petitioner, who is a resident of the District of Chennai, Tamil Nadu, India, and is a citizen of India.

4. The writ petition is filed by the petitioner, who is a resident of the District of Chennai, Tamil Nadu, India, and is a citizen of India.

5. The writ petition is filed by the petitioner, who is a resident of the District of Chennai, Tamil Nadu, India, and is a citizen of India.

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WP.Nos.6337, 6399, 9094 & 12126 of 2024

WP.Nos.6337, 6399, 9094 & 12126 of 2024

FILED

12/12/2024

To The Hon'ble
Amalgamated, Thiruvananthapuram,
High Court, Chennai-600 009,
Respondents.

For the Petitioner:
Mr. S. Muthusamy,
Barrister-at-Law,
Chennai-600 009.

For the Respondents:
Mr. S. Muthusamy,
Barrister-at-Law,
Chennai-600 009.

ORDER

(Made by the Presiding Chief Justice)

We have heard Mr. S. Muthusamy, learned counsel for the
petitioner and Mr. S. Muthusamy, learned counsel for the
respondents, appearing for the respondents.

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WP.Nos.6337, 6399, 9094 & 12126 of 2024





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WP.Nos.6337, 6399, 9094 & 12126 of 2024





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WP.Nos.6337, 6399, 9094 & 12126 of 2024

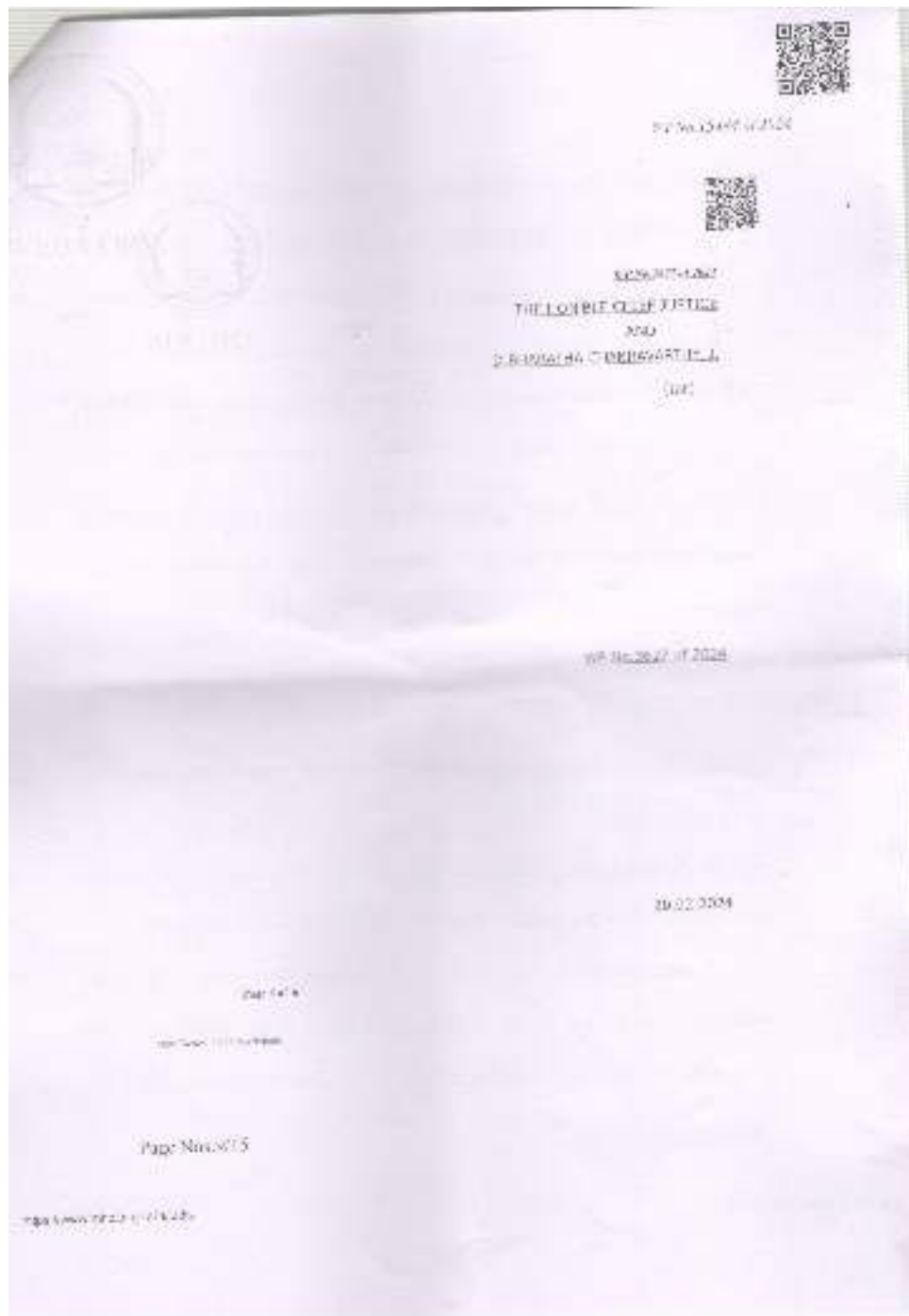




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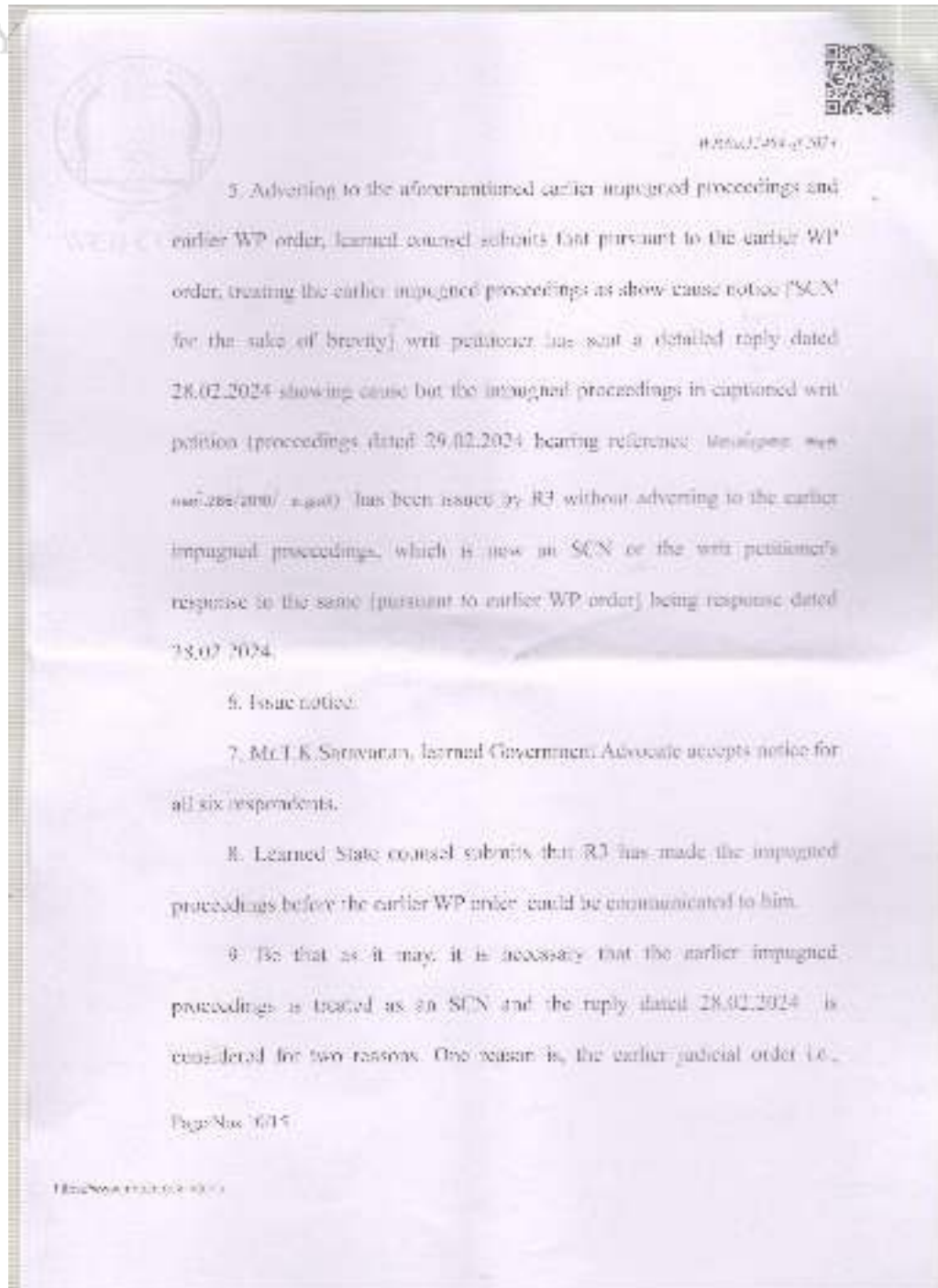
WPNos.6337, 6399, 9094 & 12126 of 2024





WP.Nos.6337, 6399, 9094 & 12126 of 2024

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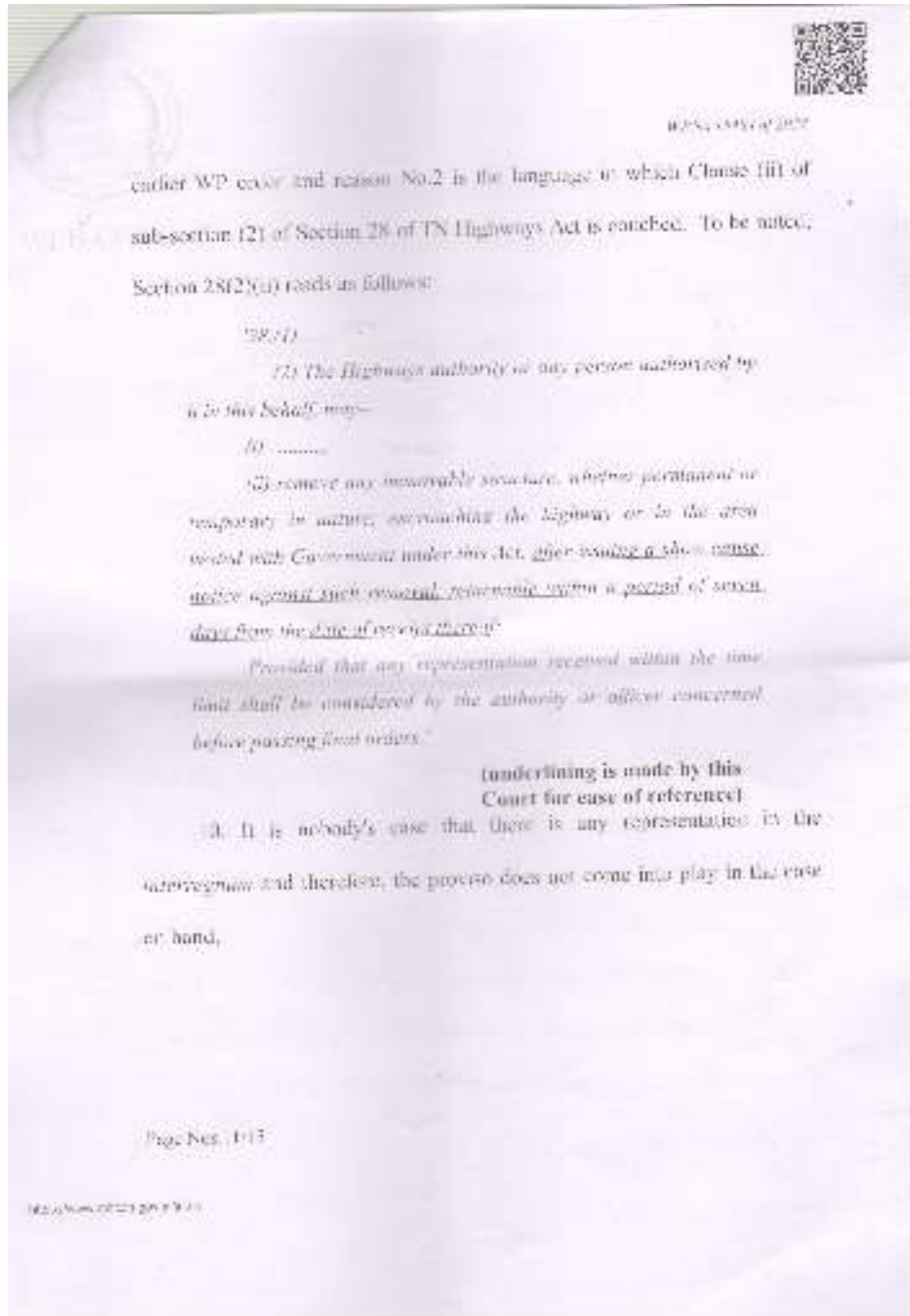




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WP.Nos.6337, 6399, 9094 & 12126 of 2024

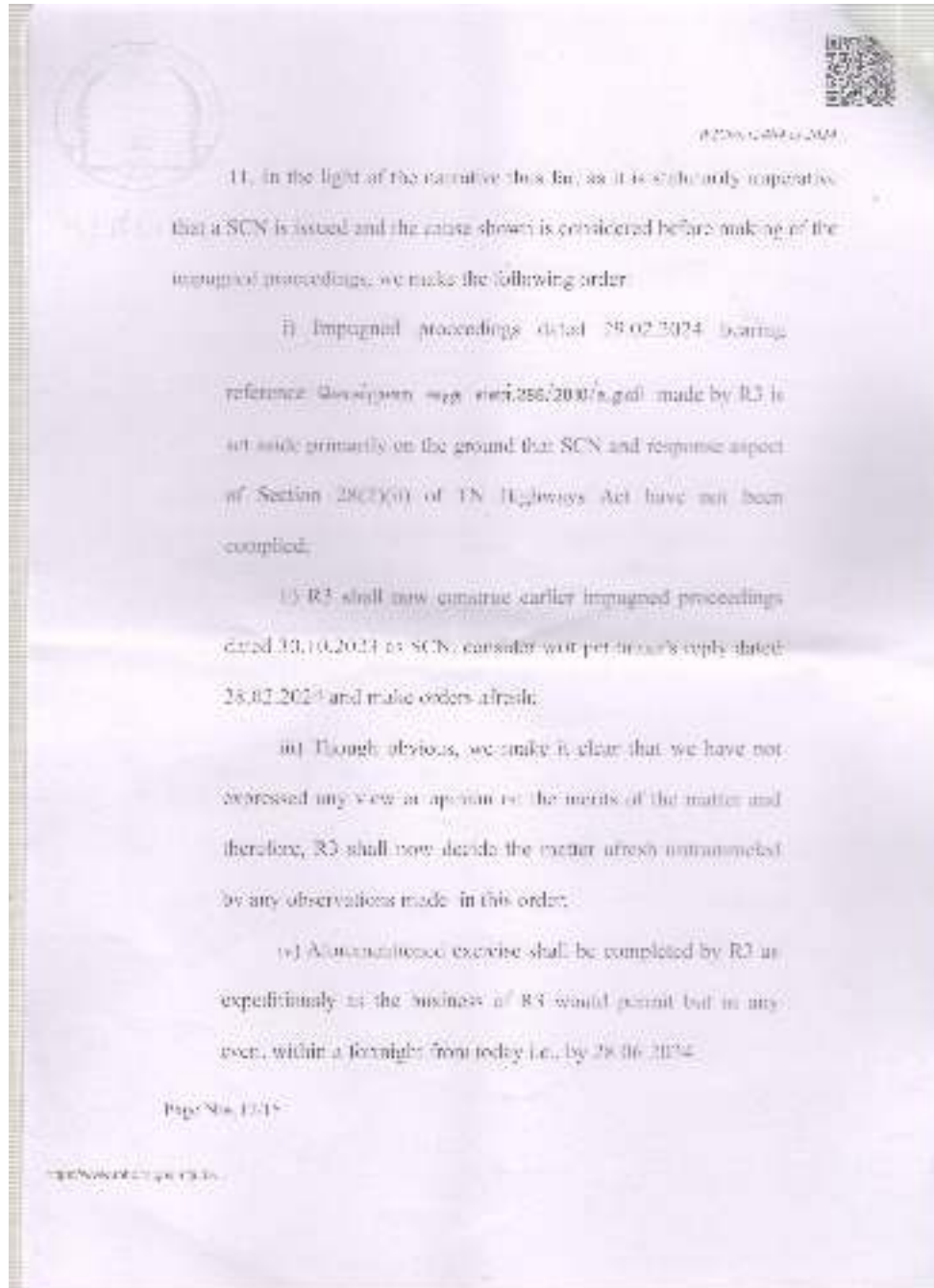




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WP.Nos.6337, 6399, 9094 & 12126 of 2024





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WP.Nos.6337, 6399, 9094 & 12126 of 2024

Writ No. 12126 of 2024

vi) Proceedings of R3 shall be communicated to the writ petitioner under due acknowledgment within three working days from the date of the proceedings;

vii) Further proceedings will obviously be pursuant to subject to / depending on the ~~above~~ proceedings to be made.

Captioned writ petition and captioned WMP are disposed of in the aforementioned manner. Though captioned writ petition is disposed of, Registry is directed to list the captioned Writ Petition under the cause list captioned FOR REPORTING COMPLIANCE on 12.07.2024.

(M.S.J.) (K.G.T.J.)

14.06.2024

Index - Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
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To
The Secretary,
Highways Department
State of Tamil Nadu
Fort Saint George
Chennai - 600 009

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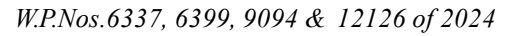
W.P.Nos.6337, 6399, 9094 & 12126 of 2024

5. The operative portions of **Suman's** case are paragraph No.11 and concluding paragraph.

6. In the light of the submissions made by aforementioned all learned counsel made in unison and in the light of **Suman's** case, the following order is made:

(i) Impugned proceedings dated 29.02.2024 bearing reference Letter No.286/2010/Assist in 4 captioned WPs and also the impugned proceedings dated 06.03.2024 issued to the writ petitioner in W.P.No.6337 of 2024 are set aside primarily on the ground that 'Show Cause Notice' {'SCN'} and response aspect of Section 28(2)(ii) of 'the Tamil Nadu Highways Act, 2001' {hereinafter 'Highways Act' for the sake of brevity} have not been complied;

(ii) The Assistant Divisional Engineer, Highways, Chennai, shall now construe earlier proceedings dated 30.10.2023 issued to writ petitioners in W.P.Nos.6399, 9094 & 12126 of 2024 as SCNs, consider writ petitioners' replies and



(iii) Though obvious, we make it clear that we have not expressed any view or opinion on the merits of the matter and therefore the Assistant Divisional Engineer, Highways, Chennai, shall now decide the matter afresh untrammelled by any observations made in this common order;

(iv) Aforementioned exercise shall be completed by the Assistant Divisional Engineer, Highways, Chennai, as expeditiously as the business of the Assistant Divisional Engineer would permit but in any event within four weeks from today ie., by 02.08.2024;

(v) Proceedings of the Assistant Divisional Engineer, Highways, Chennai, shall be communicated to the writ petitioners under due acknowledgment within three working days from the date of the proceedings;

(vi) Further proceedings will obviously be pursuant to / subject to / depending on the *de novo* proceedings to be made.



W.P.Nos.6337, 6399, 9094 & 12126 of 2024

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7. As regards W.M.P.No.9033 of 2024 in W.P.No.6399 of 2024, we dispose of W.M.P.No.9033 of 2024 in the light of proviso to Section 28(2)(ii) of Highways Act which says if the WMP petitioner makes a representation, the same will be considered before making final orders.

8. Captioned 4 WPs and captioned 7 WMPs thereat are disposed of on the same terms i.e., as in **S.Suman's** case reported in **2024:MHC:2393**. There shall be no order as to costs.

9. Though captioned writ petitions are disposed of, Registry is directed to list the captioned writ petitions under the cause list caption 'FOR REPORTING COMPLIANCE' on 16.08.2024.

(M.S.,J.)

(K.G.T.,J.)

05.07.2024

Index : Yes

Speaking order

Neutral Citation : Yes

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W.P.Nos.6337, 6399, 9094 & 12126 of 2024

To

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1. State Government of Tamil Nadu
Rep. by Secretary
Highways Department
Fort St.George, Secretariat
Chennai-600 009.
2. The Division Engineer (Highways)
Construction & Maintenance
Chennai City Road Division
Chennai-600 015.
3. The Assistant Division Engineer (Highways)
Construction & Maintenance
Chennai City Roads Sub Division
Chennai-600 015.
4. The Revenue Divisional Officer
Chennai Central Division
Off. Thirumangalam Junction
Chennai-600 101.
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Chennai - Tiruvallur High Road
Gandhi Nagar, Ambattur
Chennai-600 053.
6. The Divisional Engineer
Highways (C&M) City Road
No.394/4, Anna Salai
Chennai-600 006.



W.P.Nos.6337, 6399, 9094 & 12126 of 2024

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7. The Assistant Divisional Engineer
Highways (C & M)
Chennai City Roads Sub Division
Chennai-600 015.
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Chennai District
Chennai-600 001.
11. The District Revenue Officer
Chennai District.
12. The Revenue Divisional Officer
Chennai Central Zone
Chennai-600 101.
13. The Tahsildar
Ambattur Taluk, Ambattur
Chennai-600 053.
14. The Assistant Divisional Engineer
Highway (c & M)
Chennai City Roads Sub Division



W.P.Nos.6337, 6399, 9094 & 12126 of 2024

Chennai-600 015.

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15. The Revenue Divisional Officer
Chennai Central Division
Off : Thirumangalam Division
Chennai-600 101.
16. The Tahsildar
Ambattur Taluk Office
Chennai-Thiruvallur High Road
Gandhi Nagar, Ambattur,
Chennai-600 053.
17. The Divisional Engineer,
Highways (C & M)
City Road, 394/4
Anna Salai, Chennai-600 009.
18. The Assistant Divisional Engineer
Highways (C&M)
Chennai City Roads Sub Division
Chennai-600 015.



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W.P.Nos.6337, 6399, 9094 & 12126 of 2024

M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

mk

W.P.Nos.6337, 6399, 9094 & 12126 of 2024
and
W.M.P.Nos.7044, 7109, 7111, 9033, 10117, 13223 and 13225 of 2024
in
W.P.Nos.6337, 6399, 9094 & 12126 of 2024

05.07.2024