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W.P.No.7246 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.7246 of 2024

and

W.M.P.Nos.8091 & 8093 of 2024

in

W.P.No.7246 of 2024

1. A.Raja
S/o.Abraham James

2. A.Mangalarajan
S/o.Abraham James

.. Petitioners

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
Chennai-600 053.

3. The Divisional Engineer
Highways (C & M) City Road
No.394/4, Anna Salai
Chennai-600 006.



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4. The Assistant Divisional Engineer
Highways (C&M)
Chennai City Roads Sub Division
Chennai-600 015.

5. District Revenue Officer,
Chennai.
(R5 is suo moto impleaded vide
this order dated 12.07.2024)

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari to call for the records pertaining to the order passed by the 4th respondent dated 05.03.2024 bearing number 286/2010/Assistant and quash the same.

For Petitioner	:	Mr.T.T.Ravichandran
For Respondents	:	Mr.P.Balathandayutham Special Government Pleader

ORDER

(Order of the Court was made by **M.Sundar, J.**)

Read this in conjunction with and in continuation of earlier proceedings made in the listing on 05.07.2024 which reads as follows :

'W.P.No.7246 of 2024
and
W.M.P.Nos.8088, 8091 & 8093 of 2024
in
W.P.No.7246 of 2024



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M.SUNDAR, J.,

and

K.GOVINDARAJAN THILAKAVADI, J.,

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

*Today, the captioned matter is listed as Item No.10
along with 4 other writ petitions.*

*2. There is no representation for the writ petitioner.
However, with the intention of giving opportunity to writ
petitioner and learned counsel for writ petitioner, Registry is
directed to de-tag and list the captioned matter again in the
Admission Board i.e., Motion List under the same cause list
caption 'ADJOURNED ADMISSION' one week hence.*

List on 12.07.2024.'

2. Today, Mr.T.T.Ravichandran, learned counsel on record for writ petitioners who is before us, adverting to earlier proceedings expresses regret for missing the matter in the previous listing.

3. Mr.P.Balathandayutham, learned Special Government Pleader for respondents is before us.

4. Learned counsel for writ petitioner submitted that writ petitioners were in possession of properties in question in the captioned



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writ petition which were purchased by them in the year 2002. When the things stood thus, writ petitioners were issued proceedings vide proceedings dated 19.02.2024 by first respondent Revenue Divisional Officer, wherein pattas standing in the name of individuals qua survey numbers mentioned in the proceedings were directed to be cancelled and the land classification was directed to be modified from 'Ryotwari nanja' to 'Government poramboke' and to register the same as 'Highways Department' in the adangal extract. It was also mentioned in the proceedings that if any person is aggrieved over the proceedings, they were given thirty days time to prefer a revision before District Revenue Officer, Chennai. Learned counsel submitted that two revision petitions were preferred before District Revenue Officer on 12.03.2024 well before the time granted but to their shock, impugned order dated 05.03.2024 was issued by fourth respondent without waiting for the revision to be decided by the authority concerned and a direction was given vide impugned order to remove the encroachments within seven days. Hence, captioned writ petition has been preferred.

5. When a query was raised by the Court qua impugned order, Learned Special Government Pleader very fairly submitted that revision



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petitions may be directed to be disposed of as expeditiously as possible within a time frame and impugned order may be set aside with liberty to pass a fresh order depending on the outcome of the revisions before District Revenue Officer.

6. In the light of the submissions made, this court is of the considered view that District Revenue Officer, Chennai be suo motu impleaded as one of the respondents in captioned writ petitions. District Revenue Officer, Chennai is suo motu impleaded as fifth respondent in the captioned writ petition. Registry is directed to carry out necessary and consequential amendments in the case file before transferring and uploading this order in the website.

7. From the submissions made, it is clear that the impugned order dated 05.03.2024 has been passed by fourth respondent without issuing any show cause notice calling for the petitioners' response and without even waiting for the outcome of the revisions filed before the fifth respondent. Before issuing the impugned order, necessary opportunity should have been given to petitioners to put forth their case.

8. In the light of the narrative thus far, the following order is passed :



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(i) Impugned proceedings dated 05.03.2024

bearing reference Letter No.286/2010/Assistant is set aside primarily on the ground that Show Cause Notice and response aspect of Section 28(2)(ii) of the Tamil Nadu Highways Act, 2001 have not been complied with;

(ii) Fifth respondent District Revenue Officer, Chennai is directed to dispose of the revisions filed by writ petitioners on merits and in accordance with law, as expeditiously as the business of R5 would permit but in any event within a period of six weeks from the date of receipt of copy of this order, after giving necessary opportunity to parties concerned;

(iii) Fourth respondent is directed to issue fresh orders after the disposal of the revisions by fifth respondent. Before any order is passed subject to outcome of revisions, fourth respondent is directed to issue show cause notice to parties concerned, consider their response and thereafter pass appropriate orders



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on its own merits and in accordance with law;

(iv) Proceedings of R4 shall be communicated to the writ petitioners under due acknowledgment within three working days from the date on which such proceedings is issued.

9. Captioned WP and captioned WMPs thereat are disposed of with the aforesaid observations and directives. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
12.07.2024
(2/2)

Index: Yes/No
Neutral Citation: Yes/No
Speaking order / Non-speaking order

mk/vvk

To

1. The Revenue Divisional Officer
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Off Thirumangalam Junction
Chennai-600 101.



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