



WEB COPY

W.P.No.18960 & 18963 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2024

CORAM

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P.Nos.18960 and 18963 of 2024

W.M.P.No.20825 & 20826 of 2024

B.Janakiraman

... Petitioner in W.P.No.18960 of 2024

A.Kalaiselvi

... Petitioner in W.P.No.18963 of 2024

Vs

1 The State of Tamil Nadu
rep. by the Secretary,
Highways Department,
Fort St.George, Chennai-600 009

2. The District Collector,
Cuddalore District,
Cuddalore.

3. The Assistant Divisional Engineer (Highways)
Katumannarkoil, Cuddalore District.

.... Respondents in both W.Ps

Common Prayer: Petitions filed under Article 226 of the Constitution of India praying to issue a Writs of Certiorari calling for the records of the 3rd respondent in Ku.No.178/2024/iva/ated 10.04.2024 relating to the petitioners' shop Nos.29 and 33 and 31 respectively, in Kadai Veedi, Srimushnam, Cuddalore District and quash the same.



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In both W.Ps

For Petitioner : Mrs.Hema Sampath
Senior Counsel
for Mrs.R.Meenal

For Respondents : Mr.Vadivelu Deenadayalan
Additional Government Pleader

COMMON ORDER

Mr.Vadivelu Deenadayalan, learned Additional Government Pleader accepts notice for the respondents and is armed with instructions to enable a final disposal of these Writ Petitions, even at the stage of admission.

2. The petitioners claim to be resident in Kadaiveethi, Srimushnam. The writ affidavits at paragraph 2 details the claim of the petitioners in regard to the shops at Nos.29, 33 and 31 in S.No.450/12 and 450/14 and 450/13 in Kadai Veethi, Srimushnam ('premises'/'premises in question'). Some documents have also been filed accompanying the writ affidavits to establish the claim of the petitioners which this Court disinclined to look into in a Writ Petition and also in view of the final orders that have been passed taking note of the submissions of Mrs.Hema Sampath, learned Senior Counsel appearing for Ms.R.Meenal, learned counsel on record for the petitioners and



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Mr.Vadivelu Deenadayalan, learned Additional Government Pleader for the respondents.

3. The grievance of the petitioners now is in regard to the avowed proceedings for removal of a portion of the shops for laying of a State Highway. The petitioners state that representations have been made to the Revenue Divisional Officer (RDO), who incidentally has not been arrayed as a respondent. They refer to certain reports that had been sent by R2 and R3, the District Collector and the Assistant Divisional Engineer, Highways that would support their case.

4. Mr.Vadivelu would point out, based on the written instructions received by him from the respondents, that an opportunity had been granted even earlier to the petitioners to satisfy the authorities in regard to their claim of title. The documents produced then had related to the premises in question.

5. Be that as it may, Mr.Vadivelu assures the Court as well as the petitioners that no coercive action would be taken contrary to the due process of law and would point out that in fact the impugned communication is only a notice calling for the petitioners to produce documents in support of their claim. That is so.

6. In light of the aforesaid, the petitioners are at liberty to put forth



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their explanation and submit whatever documents that are available in their possession to establish their case relating to the title to the premises in question.

7. It is made clear that if at all any adverse view to be taken in regard to the petitioners' case, full liberty must be granted to the petitioners, the petitioners must be heard personally, enquiry must be conducted as appropriate and speaking orders should be passed in line with the principles of natural justice.

8. As the apprehensions of the petitioners would stand duly assuaged by virtue of the observations made above, the impugned notices are not interfered with and left to be taken to a logical conclusion, in accordance with law.

9. These Writ Petitions are disposed as above. No costs.

Connected Miscellaneous Petitions are closed.

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10.07.2024

Index:Yes/No

Speaking order:Yes

Neutral Citation:Yes

To

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Dr.ANITA SUMANTH,J.

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