



W.P.No.24367 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.24367 of 2024

&

W.M.P.No.26626 of 2024

T.Maheshraj

..

Petitioner

Vs.

1. The District Collector
Tiruvallur.

2. The Assistant Divisional Engineer (H)
Office of the Assistant Divisional Engineer (H)
Thiruttani Sub-Division, Thiruttani.

3. The Revenue Divisional Officer
Revenue Divisional Office, Thiruttani.

4. The Tahsildar
Thiruttani.

5. The Assistant Engineer (H), C&M
Thiruttani Division.

..

Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking



W.P.No.24367 of 2024

of a writ of Certiorarified Mandamus calling for the records of the 5th respondent in connection with the memorandum No.83/2024/உ.பொ (நெ) dated 12.08.2024 issued by the 5th respondent and to quash the same and consequently, direct the respondents to close the ditch dug by them in between the petitioner's property situated at Survey No.307/5A at Thiruttani Village, an extent of 25 cents and the highway.

For the Petitioner : Mr.R.Srinivas
Senior Counsel
For Mr.G.Vijayakumar

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
Assisted by
Mr.M.Habeeb Rahman
Government Advocate

ORDER

(Order of the Court was made
by the Hon'ble Chief Justice)

It is petitioner's case that notwithstanding fresh adjudication proceedings being conducted by respondent No.2, pursuant to an order dated 31.01.2024 passed by this Court in W.P.No.2091 of 2024, respondent No.5, who is an officer subordinate to respondent No.2, has issued the impugned order dated 12.08.2024.



W.P.No.24367 of 2024

2. We have considered the petition and the documents annexed thereto.

3. Learned Senior Counsel submitted that the impugned order has been passed ignoring all submissions made by petitioner to respondent No.2. It is also averred that respondent No.2 has not even held an inquiry treating the order dated 06.11.2023 as a show cause notice or considered petitioner's explanation dated 07.02.2024.

4. Though the respondents had enough time to file counter, no counter has been filed denying any of the allegations. Therefore, without going into the merits of the matter, we hereby quash and set aside the impugned order dated 12.08.2024.

5. Respondent No.2 shall hold an inquiry and pass orders, after considering petitioner's representation/reply dated 07.02.2024. A personal hearing shall also be given to petitioner, the notice whereof shall be given at least five working days in advance. If petitioner wishes to file written submissions to record what was submitted during the personal hearing and



W.P.No.24367 of 2024

also what transpired during the personal hearing, petitioner may do so within five working days of the personal hearing.

6. Petition is disposed of. We clarify that we have not made any observation on the merits of the matter. There shall be no order as to costs. Consequently, the interim application is closed.

(K.R.SHRIRAM, CJ)

(SENTHILKUMAR RAMAMOORTHY,J.)

03.10.2024

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The District Collector
Tiruvallur.
2. The Assistant Divisional Engineer (H)
Office of the Assistant Divisional Engineer (H)
Thiruttani Sub-Division, Thiruttani.
3. The Revenue Divisional Officer
Revenue Divisional Office, Thiruttani.
4. The Tahsildar
Thiruttani.



W.P.No.24367 of 2024

WEB COPY 5. The Assistant Engineer (H), C&M
Thiruttani Division.



WEB COPY



W.P.No.24367 of 2024

THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

(kpl)

W.P.No.24367 of 2024

03.10.2024