



W.P.Nos.26610 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

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- 1.Loganathan
- 2.Boobalan
- 3.Munusamy
- 4.Parvathy
- 5.Devaraj
- 6.Arumugam
- 7.Prembabu
- 8.Dhanam
- 9.Saroja
- 10.Senthilkumar
- 11.Shanmugakani
- 12.Jothi
- 13.Manju Rajkumar
- 14.Indra Ananthi
- 15.Lalitha
- 16.Ramu
- 17.Pushpa
- 18.Suresh
- 19.Seeman
- 20.Dhanam
- 21.Stalin
- 22.Vanaroja
- 23.J.Rajini

.. Petitioners



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Vs

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- 1.The Government of Tamil Nadu
rep. by its Secretary to Government,
Highways and Minor Ports Department,
Fort St. George,
Chennai-600 009.
- 2.The District Collector
Office of Collectorate,
Thiruvallur,
Thiruvallur District.
- 3.The Land Acquisition Officer,
Special District Revenue Officer
and Management (Land Acquisition),
Chennai Peripheral Ring Road,
Guindy, Chennai 600 025.
4. The Special Tahsildar (Land Acquisition) - Unit - I
Chennai Peripheral Ring Road,
No.351, Rajajai Street, Thiruvekatapuram,
Ponneri, Thiruvallur 601 204.
- 5.The Junior Engineer (Highways),
Highways Department,
Ponneri Division,
Ponneri 601 204.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the entire records of the fifth respondent relating to the issuance of impugned Public Notice dated 28.08.2024 and quash the same and consequently direct the respondents to follow the provisions of Central Act 30 of 2013.



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For the Petitioners : Mr.N.Nithianandam
For Respondents : Mr.K.Karthik Jagannath
Government Advocate

ORDER

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

Seeking to quash the public notice dated 28.8.2024 issued by the fifth respondent directing removal of the constructions/structures put up by encroaching the lands belonging to the Highways Department within seven days and further stating that in default the same would be removed invoking Section 28(2)(ii) of the Tamil Nadu Highways Act, 2001, the present writ petition is filed.

2. The main plank of the argument advanced by learned counsel for the petitioners is that the petitioners are in possession of the lands in question for several decades and, all of a sudden, the impugned public notice has been issued directing them to remove the constructions/structures, without affording an



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opportunity of hearing to the petitioners. He added that the procedure followed by respondents is far removed from the procedure contemplated under the Act and is in gross violation of the elementary principles of natural justice.

3. Learned Government Advocate, on instructions, submitted that the impugned notice may be treated as a show cause notice and the petitioners may be directed to submit their objections, if any, and after considering the objections of the petitioners, necessary action in accordance with law would be taken.

4. In the light of the submissions made, more particularly the fact that no individual prior notice was issued to the petitioners before issuing the impugned public notice dated 28.8.2024, we dispose of the writ petition with the following directions:

- (i) The impugned public notice dated 28.8.2024 shall be treated as a show cause notice and the petitioners shall submit their objections within two weeks from the date of receipt of a copy of



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this order, enclosing all the documents on which reliance is sought to be placed;

(ii)The fifth respondent shall consider the objections submitted by the petitioners, on merits and in accordance with law, and, thereafter take necessary action in accordance with law, if any encroachments are found; and

(iii)The entire exercise shall be concluded within twelve weeks from the date of receipt of a copy of this order.

There shall be no order as to costs. Consequently, W.M.P.Nos.29136, 29137, 29138 of 2024 are closed. W.M.P.No.29122 of 2024 filed to permit the petitioners to file a single writ petition is ordered.

(D.K.K., ACJ.) (P.B.B, J.)
11.09.2024

Index : Yes/No
NC : Yes/No
sasi



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AND
P.B.BALAJI, J.

(sasi)

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