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W.P.No.11966 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MS.JUSTICE **R.N.MANJULA**

W.P.No.11966 of 2025
and
W.M.P. No.13523 of 2025 in W.P. No.11966 of 2025

S.Jesurajan

... Petitioner

Vs.

The District Revenue Officer (LA),
CMRL, Chennai – 600 035.

... Respondent

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the respondent in notice in RC No.189/2025 dated 27.02.2025 and quash the same and consequently direct the respondent to conduct a proper survey on the basis of the sale deed dated 28.06.2022 in Document No.5111 of 2022 of Sub-Registrar Office at Virugambakkam.

For Petitioner : Mr.K.Sakthivel

For Respondent : Mr.T.K.Saravanan,
Additional Government Pleader

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ORDER

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

Captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity) has been filed with a prayer for issue of writ of certiorarified mandamus inter-alia assailing a 'notice dated 27.02.2025 bearing reference RC.No.189/2025 issued by the sole respondent' (hereinafter 'impugned notice' for the sake of brevity, convenience and clarity).

2. Mr.K.Sakthivel, learned counsel on record for writ petitioner advertng to the impugned notice pointed out that without any joint survey and without giving an opportunity to the writ petitioner, impugned notice has been issued though the writ petitioner claims title vide a sale deed dated 17.10.2022 registered as Document No.8250 of 2022 on the file of Sub Registrar Office, Virugambakkam.

3. Issue notice to respondent.

4. Mr.T.K.Saravanan, learned Additional Government Pleader (instructed by Mr.M.Ilavarasu, S/o.Mr.L.Madasamy, Special Tahsildar (LA), CMRL, Chennai) accepts notice for the sole respondent and



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submits that a survey has brought to notice that the writ petitioner has occupied a portion of land owned by CMRL and that has necessitated the impugned notice.

5. This Court finds that the scope of captioned main WP is very narrow and therefore with the consent of learned counsel for writ petitioner and learned State counsel for sole respondent, captioned main WP was taken up in the Admission Board itself.

6. This Court wanted to know from the learned State counsel the statute under which the impugned notice has been issued. Learned State counsel submitted that impugned notice has been issued under 'The Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10/99)' [hereinafter 'said Act' for the sake of convenience and clarity].

7. A careful perusal of the case file and rival submission before us brings to light that the respondent issued a Show Cause Notice (SCN) under Section 3(2) of said Act (signed on 24.04.2021) to one Ms.Jayalakshmi, W/o.Mr.Ramadas (writ petitioner's predecessor in



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title), post SCN, Ms.Jayalakshmi executed a sale deed dated 28.06.2022 in favour of CMRL conveying '80.0 sq. meters (861 sq.ft.) in Kullumman Kovil Street, Virugambakkam, Chennai – 600 092 (T.S.No.63, Block No.19, Virugambakkam Town, Mambalam Taluk, Chennai District)' [hereinafter 'said land' for the sake of convenience and clarity]. The case of the writ petitioner is that said Jayalakshmi after the aforementioned sale deed had conveyed the remaining land in favour of the writ petitioner vide aforesaid sale deed dated 17.10.2022.

8. This Court wanted to know from the learned State counsel as to whether the survey referred to in the impugned notice was conducted after putting the writ petitioner on notice. The answer of learned State counsel was in the negative.

9. Be that as it may, learned State counsel very fairly submitted that the impugned notice can be treated as a notice which gives an opportunity to the writ petitioner, writ petitioner can send his response within a fortnight from today i.e., on or before 21.04.2025, the same will be considered and a suitable order on merits would be made.



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10. Learned counsel for writ petitioner submitted that the aforereferred scheme of granting of opportunity to the writ petitioner will serve the purpose as writ petitioner will be able to put forth all the reservations and objections which the writ petitioner has.

11. In the light of the narrative, discussion and dispositive reasoning thus far, the following order is made:

11.1 Impugned notice is not interfered with, it is not set aside but it is tweaked and it is made clear that the impugned notice shall now be considered as a notice giving an opportunity to the writ petitioner to respond within a fortnight from today i.e., on or before 21.04.2025;

11.2 On the writ petitioner responding within a fortnight from today qua impugned notice, the respondent shall consider the same on its own merits and in accordance with law and draw up an order;



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11.3 The order drawn up in the aforesaid manner shall be duly served on the writ petitioner within five working days from the date on which it is drawn up;

11.4 If the writ petitioner does not respond within a fortnight i.e., on or before 21.04.2025, the impugned notice as issued in the present form will get resuscitated and it will be open to the respondent to proceed with the same;

11.5 Though obvious we make it clear that coercive action (if any and if that be so) shall be subject to and depending on the aforementioned order to be drawn up by the respondent;

11.6 If the order drawn up by the respondent is adverse to the writ petitioner, same would be kept in abeyance for one week from the date of service of the



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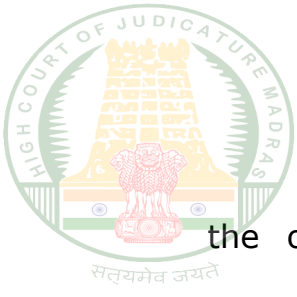
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order on the writ petitioner so as to enable the writ petitioner to work out remedies available (if any) in law;

11.7 It is open to the respondent to conduct a survey again in the presence of the writ petitioner if the same is considered to be appropriate option but we express no opinion on the same;

11.8 This Court makes it clear that no opinion or view has been expressed on the merits of the matter much less on the alleged occupation of land belonging to CMRL. This means that all questions are left open for writ petitioner to respond to the impugned notice which has now been treated as a notice giving opportunity to the writ petitioner.

12. Captioned main WP is disposed of in the aforesaid manner with the aforesaid directives and preservation of all rights and contentions in the aforesaid manner. As we have held that coercive action (if any and if that be so) shall be subject to and depending on



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the order to be drawn up by the respondent, captioned Writ
Miscellaneous Petition (WMP) thereat has become otiose and the same
is closed. There shall be no order as to costs.

(M.S.,J.) (R.N.M.,J.)
07.04.2025

Index : Yes / No
Neutral Citation : Yes/No
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To

The District Revenue Officer (LA),
CMRL, Chennai – 600 035.

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**M.SUNDAR, J.,
and
R.N.MANJULA, J.,**

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