



W.P.No.16274 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2025

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CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.16274 of 2025
and
W.M.P.No. 18401 of 2025 in W.P.No. 16274 of 2025

G.E.Gnanadas

... Petitioner

vs.

1.The Assistant Divisional Engineer (H) (C&M),
Tambaram Sub Division, Tambaram,
Chennai – 600 045.

2.The Thasildhar,
Taluk Office,
NH32, Chitlapakkam,
West Tambaram, Chennai – 600 073.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the
records pertaining to Final Show Cause Notice dated 15.04.2025
issued by the 1st respondent and quash the same as arbitrary, illegal
and violative of the principles of natural justice and to direct the 2nd



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respondent to consider the petitioner's representation dated
18.04.2025.

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For Petitioner : Mr.T.M.Mano

For Respondents : Mr.V.Ravi
Special Government Pleader

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 seeking issue of a writ of certiorarified mandamus.

2. In and vide certiorari limb, a 'notice captioned 'Final Show Cause Notice' said to be under Section 28(2)(ii) of 'The Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34 of 2002)' [hereinafter 'said Act' for the sake of convenience and clarity] issued by R1 [The Assistant Divisional Engineer (H) (C&M), Tambaram Sub Division, Tambaram, Chennai]' {hereinafter 'impugned notice' for the sake of convenience and clarity} has been assailed.



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3. As regards the mandamus limb, there is a prayer to dispose of the writ petitioner's representation to R2 [The Tahsildar, Taluk Office, NH32, Chitlapakkam, West Tambaram, Chennai] being a representation dated 18.04.2025 vide which writ petitioner has made an application under Section 10 of 'The Tamil Nadu Patta Passbook Act, 1986' (hereinafter 'Patta Passbook Act' for the sake of convenience and clarity) and has sought modification of existing patta.

4. Learned counsel for writ petitioner submits that writ petitioner was earlier show caused vide notice dated 23.09.2024 issued by R2, the same was assailed in this Court by writ petitioner in and by W.P.No. 33500 of 2024 and the same was disposed by this Court in and by an order dated 17.12.2024 inter-alia saying that 23.09.2024 notice shall be treated as show cause notice, representation if any in response to the show cause notice shall be made, the same shall be considered and final order shall be made under proviso to Section 28(2)(ii) of said Act. Learned counsel submits that post our earlier order dated 17.12.2024, writ petitioner has sent a reply dated 21.12.2024 but without considering the same and passing



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an order in accordance with Section 28 (2)(ii) proviso of said Act, the impugned notice has been issued.

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5. Issue notice.

6. Mr.V.Ravi, learned Special Government pleader accepts notice for both respondents and learned State counsel very fairly submitted that the impugned notice will now be withdrawn and final order in accordance with earlier order of this Court dated 17.12.2024 in W.P.No.33500 of 2024 shall be made. We appreciate this fair submission and we deem it appropriate to write that this has made the legal drill at hand fairly simple. Therefore, with the consent of learned counsel on both sides, the main WP is taken up in the Admission Board.

7. The following order is made:

7.1 Impugned notice being final show cause notice dated 15.04.2025 purportedly under Section 28(2)(ii) proviso of said Act issued by R1 stands withdrawn;



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7.2 As regards 23.09.2024 notice, it is construed as show cause notice, writ petitioner has sent reply dated 21.12.2024, the same shall be considered and R1 shall make an order after considering the same in accordance with Section 28(2)(ii) proviso of said Act;

7.3 The order made by R1 in the aforesaid manner shall be duly served on the writ petitioner under due acknowledgement within five working days from the date of the order;

7.4 As regards the representation dated 18.04.2025 sent by writ petitioner to R2, a scanned reproduction of the same is as follows:



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18.04.2025

From

1. G.E. Gnanadas
Son of Mr. G. Enock
2. G. Godsondas
Son of Mr. G.E. Gnanadas
Both residing at
Door No.1, Plot No. 54
Church Avenue,
V.G.P. Shanthi Nagar Extension
Pallikaranai, Chennai – 600100

To

The Tahsildar (Tambaram)
Taluk Office
NH32, 1st Floor, Chitlapakkam
West Tambaram, GST Road
Chennai – 600073

Sub: Application for modification of patta in Survey No. 6/60,
Gowrivakkam Village, Tambaram Taluk, Chengalpattu District under
Section 10 of TN Patta Passbook Act, 1986- reg

Respected Sir/Madam,

1. We state that we are the absolute owner of the commercial complex situated in Door No. 188, Velachery Tambaram Main Road. Gowrivakkam, Chennai – 600073 in Sri Palaniappa Nagar all comprised in Survey No. 6/1B & 3/1 (now corresponds to S. No. 6/60) in Gowrivakkam, Village, Tambaram Taluk, Kancheepuram District admeasuring 2788 Sq. Ft (herein after referred as Subject property")
2. We state the subject property was absolutely owned by the 1st of us. The 1st of us obtain title to the subject property vide two sale deed dated 27.02.2002 from Mrs. T. Suseela Thomas with confirming parties as Mr. Thomas Mathew, Mrs. Joyce Rajasekar, Mr. T. Suresh Mathew & Ms. Aelda Mathew



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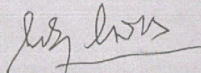
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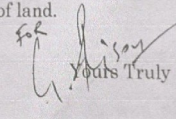
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bearing Doc. Nos. 1046 of 2002 & 1047 of 2002, both registered on the file of the Sub Registrar Tambaram. Thereafter a portion of the subject property i.e., 1394 Sq.Ft out of 2788 Sq.Ft. was settled by 1st of us i.e., Mr. G.E. Gnanadas in favour of the 2nd of us i.e., Mr. G. Godsondas vide settlement deed dated 06.04.2016 bearing Doc. No. 3643 of 2016 registered on the file of the Sub Registrar of Selaiyur. The 1st of us is paying the property tax for the subject property till date. And the subject property is in our absolute possession from the date of the sale deed & settlement deed respectively, and no further encumbrance is made to the subject property.

3. We also state that the patta for the subject property stands in name of 1st of our vendor i.e., Mrs. T. Suseela Thomas. We have also annexed the copy of the two above mentioned sale deeds, a copy of the Settlement deed executed by 1st of us in favour of the 2nd of us and the patta reflecting the name of Mrs. T. Suseela Thomas, the property tax receipts, Aadhar card copy, Encumbrance Certificate and the DTCP approved (4/75 C.No.7196/74 MCR - 3) layout copy.
4. Ergo, we are requesting your good office to consider this application under Section 10 of the Tamil Nadu Patta Passbook Act, 1986 and consequently modify the existing patta name for Survey No. 6/1B & 3/1 (now corresponding to S.No. 6/60) in Gowrivakkam, Village, Tambaram Taluk, Kancheepuram District from Mrs. T. Suseela Thomas to our name i.e., G.E. Gnanadas & G. Godsondas for their respective extent of land.


G.E. GNANADAS


Yours Truly
G. GODSONDAS



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7.5 R2 shall consider aforereferred representation and pass orders on the same on its own merits and in accordance with law as expeditiously as the business of R2 permits but in any event within six weeks from today i.e., on or before 11.06.2025;

7.6 The order made by R2 in this regard in the aforesaid manner shall also be duly served on the writ petitioner under due acknowledgement within five working days from the date of order;

7.7 As the impugned notice stands withdrawn, writ petitioner's reply dated 21.04.2025 in response to the impugned notice now stands effaced from the records. In other words, while making orders under Section 28(2)(ii) proviso of said Act, it will



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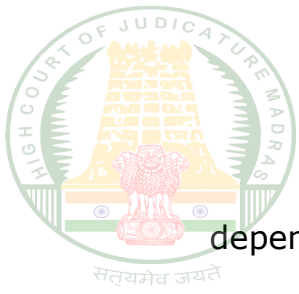
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suffice if R1 considers writ petitioner's reply dated 21.12.2024;

7.8 Though obvious we deem it appropriate to write that any coercive action will be subject to and depending on the orders to be made in the aforesaid manner by R1 under proviso to Section 28(2)(ii) of said Act;

7.9 To be noted, Section 28(2)(ii) powers are vested in the Highways Authority or any other person authorised by it. 'Highways Authority' is defined vide Section 2(13) which takes us to Section 5(2). Learned State counsel informs this Court that R1 has been authorised by Highways Authority. This submission is recorded.

8. Captioned main WP is disposed of in the aforesaid manner.
As this Court has held that coercive action if any will be subject to and



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depending on final orders to be made by R1 under proviso to Section 28(2)(ii) of said Act, captioned Writ Miscellaneous Petition (WMP) thereat has become otiose and therefore the same is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
30.04.2025

Index : Yes
Neutral Citation: Yes
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To

- 1.The Assistant Divisional Engineer (H) (C&M),
Tambaram Sub Division, Tambaram,
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- 2.The Thasildhar,
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**M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

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