IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP Nos. 19959, 19963, 19969, 19976 of 2025
AND
WMP Nos.22509, 22513, 22521 and 22524 of 2025

<u>WP No.19959 of 2025</u>

1. G.K.Mani
S/o. Kandasamy Gonder, Honorary
President Pattali Makkal Katchi, No. 63
North Muthu Naicken Street,
Teynampet, Chennai 600 018.

Petitioner(s)

Vs

1. The Additional Chief Secretary
Commissioner Of Revenue
Administration. Revenue Department
And Mitigation Department,
Ezhilagam, Chepauk, Chennai 600
005.

2.The District Manager
TASMAC Ltd, Cuddalore District

3.The Distrit Manager,
TASMAC Ltd, Dharmapuri District

4.The District Manager
TASMAC Ltd, Kancheepuram District

5.The District Manager
TASMAC Ltd, Krishnagiri Disttict

6.The District Manager
TASMAC Ltd, Namakkal District

7.The District Manager
TASMAC Ltd, Nagapattinam District

8.The District Manager
TASMAC Ltd Perambalur District

9.The District Manager
TASMAC Ltd, Salem District

10.The District Manager
TASMAC Ltd, Thiruvallur Districti

11.The District Manager
TASMAC Ltd, Tiruvannamalai
District

12.The District Manager
TASMAC Ltd, Vellore District

13.The District Manager
TASMAC Ltd, Villupuram District

Respondent(s)

WP No. 19963 of 2025
1. G.K.Mani
S/o. Kandasamy Gounder, Honorary
President Pattali Makkal Katchi, No. 63

North Muthu Naicken Street,
Teynampet, Chennai 600 018.

Petitioner(s)

Vs

1. The Addl. Chief Secretary
Commissioenr of Revenue
Administration. Revenue Department
And Mitigation Department ,
Ezhilagam, Chepauk, Chennai 600
005.

2.The General Managesr
State Express Transport Corporation
Tamilnadu Limited, Thiruvalluvar
House, Pallavan Salai, Chenani 600
002.

Respondent(s)

WP No. 19969 of 2025

1. G.K.Mani
S/o. Kandasamy Gounder, Honorary
President Pattali Makkal Katchi, No. 63
North Muthu Naicken Street,
Teynampet, Chennai 600 018.

Petitioner(s)

Vs

1. The Additional Chief Secretary
Commissioner Of Revenue
Administration. Revenue Department
And Mitigation Department,
Ezhilagam, Chepauk, Chennai 600

005.

2.Metropolitan Transport Corporation
Chennai Limited,
Represented By Its General Manager,
Pallavan Salali, Chennai

Respondent(s)

WP No. 19976 of 2025
1. G.K.Mani
S/o. Kandasamy Gounder, Honorary
President Pattali Makkal Katchi, No. 63
North Muthu Naicken Street,
Teynampet, Chennai 600 018.

Petitioner(s)

Vs

1. The Additional Chief Secretary
Commissioner Of Revenue
Administration. Revenue Department
And Mitigation Department,
Ezhilagam, Chepauk, Chennai 600
005.

2.The General Manager
State Expresses Transport
Corporatio, Tamilnadu Limited,
Thiruvalluvar Hosue, Pallavan Salai,
Chennai 600 002.

Respondent(s)

PRAYER in WP No. 19959 of 2025

Writ petition filed under Article 226 of Constitution of India for the issuance of writ of Mandamus forbearing the 1st respondent from passing final order in S.R No. 455-482/TASMAC /2013 VIDE NOTICE DATED 12.05.2025 without following mandatory procedure as contemplated under section 11(4) of the TNPPDL Act 1992 and Rule 14 and 15 of Rules 1992 and consequently direct the 1st respondent to conduct the enquiry by following the mandatory procedures as contemplated under section 11(4) of the TNPPDL Act 1992 and Rule 14 and 15 of Rules 1992 and pass orders.

PRAYER in WP No. 19963 of 2025

Writ petition filed under Article 226 of Constitution of India for the issuance of writ of Mandamus forbearing the 1st respondent from passing final order in S.R No. 242-295/SETC /2013 VIDE NOTICE DATED 12.05.2025 without following mandatory procedure as contemplated under section 11(4) of the TNPPDL Act 1992 and TNPPDL Rule 14 and 15 of Rules 1992 and consequently direct the 1st respondent to conduct the enquiry by following the mandatory procedure as contemplated under section 11(4) of the Act 1992 and Rule 14 and 15 of rules 1992 and pass orders.

PRAYER in WP No. 19969 of 2025

Writ petition filed under Article 226 of Constitution of India for the issuance of writ of Mandamus forbearing the 1st respondent from passing final order in S.R No. 184-241 and 943/MTC /RL/2013 VIDE NOTICE DATED 12.05.2025 without following mandatory procedure as contemplated under section 11(4) of the TNPPDL Act 1992 and Rule 14 a nd 15 of TNPPDL Rules 1992 and consequently direct the 1st respondent to conduct the enquiry by following the mandatory procedure as contemplated under section 11(4) of the TNPPDL Act and pass orders.

PRAYER in WP No. 19976 of 2025

Writ petition filed under Article 226 of Constitution of India for the issuance of writ of Mandamus forbearing the 1st respondent from passing final order in S.R No. 296-1069 TNSTC/2013 VIDE NOTICE DATED 12.05.2025 without following mandatory procedure as contemplated under section 11(4) of the TNPPDL Act 1992 and Rule 14 and 15 of TNPPDL Rules 1992 and consequently direct the 1st respondent to conduct the enquiry by following the mandatory procedure as contemplated under section 11(4) of the Act 1992 and Rule 14 and 15 of Rules 1992 and pass orders.

For Petitioner(s):	Mr.N.L.Raja, Senior Counsel for Mr.K.Balu in all WPs
For Respondent:	Mr.J.Ravindran, Additional Advocate General, Assisted by Mr.E.Vijay Anand, Additional Government Pleader for R1 in all WPS Mr.K.Balakrishnan Standing counsel for R2 and R3 in **WP No.19959 of 2025** Mr.Hasan Fizal, Additional Government Pleader for R2 in **WP No.19963 of 2025** MR.C.Gauthamaraj, Standing counsel for R2 in **WP No.19969 of 2025** Mr.HAsan Fizal, Additional Government Pleader for R2 in **WP No.19976 of 2025**

ORDER

These writ petitions have been filed for the issue of writ of Mandamus forbearing the 1st respondent from passing final orders in the pending proceedings without following the mandatory procedure as contemplated under Section 11(4) of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 (hereinafter referred to as the "TNPPDL Act") and Rule 14 and 15 of TNPPDL Rules 1992 and consequently, direct the 1st respondent to conduct the enquiry by following the mandatory procedures.

2. Heard Mr.N.L.Raja, Senior Counsel for Mr.K.Balu, learned counsel for the petitioner in all Wps and Mr.J.Ravindran, Additional Advocate General, Assisted by Mr.E.Vijay Anand, Additional Government Pleader for 1st respondent in all Wps and the respective learned counsel appearing for the 2nd and 3rd respondent in all Wps.

3. The grievance that has been expressed by the learned Senior Counsel appearing on behalf of the petitioner in all these writ petitions is that after the summon was received and the petitioner attended enquiry, the 1st respondent informed the petitioner that only a summary enquiry will be conducted and the 1st respondent was proceeding in a hasty manner without following the mandatory procedure as contemplated under Section 11(4) of the TNPPDL Act 1992 and Rule 14 and 15 of TNPPDL Rules 1992. It is under these circumstances, the present writ petition has been filed before this Court.

4. Per contra, the learned Additional Advocate General appearing on behalf of the respondents submitted that the present writ petition

has been filed only to stall the proceedings and to prevent the 1st respondent from proceeding further with the enquiry and passing final orders. It was submitted that in the earlier order passed by the Division Bench of this Court in WA Nos.288 and 292 of 2022 has spelt out the nature of enquiry to be conducted in this case and that the directions that were issued at Paragraph No.6 of the order will be strictly complied with. The learned Additional Advocate General submitted that all these writ petitions were filed only on an apprehension and without any material to substantiate the same.

5. This Court has carefully considered the grievance expressed by the petitioner and the submissions of the learned Additional Advocate General with respect to the procedure that is going to be followed while conducting the enquiry and passing the final order.

6. It will suffice to take note of Paragraph 5 and 6 of the earlier order passed by the Division Bench of this Court in WA No.288 and 292 of 2022 dated 21.11.2023. For proper appreciation, the relevant portions in the order are extracted hereunder:-

> *5. The property has been defined under the Act. The provision is also made regarding the liability to pay compensation in certain cases. Whether actually the shops were required to be kept closed or the buses could not ply and because of that there was loss of revenue would be a disputed question of fact which*

certainly will have to be considered by the authority. The authority also would be required to consider as to whether the loss of revenue would be within the realm of the definition of property. These aspects certainly will have to be considered by the authority before passing final order determining compensation under Section 9 of the Act. The same requires an enquiry. The appellants have got opportunity to file reply to the notices as contemplated under Section 9 of the Act and even an appellate remedy is provided against the same.

6. The learned Senior Advocate submits that one reply has been filed by the appellants to the show cause notices and opportunity be given to file additional reply. The appellants may file additional reply within fifteen days from today. The appellants may rely upon the documents and judgments as may be applicable and the authority certainly has to consider all the documents and judgments which would be cited by either of the parties. Upon receipt of the additional reply, documents and judgments relied upon by the appellants, the authority shall proceed further pursuant to the show cause notices and decide the same in accordance with law. The authority may also consider the contention of the appellants regarding the effect of acquittal in the criminal cases.

7. The Division Bench has clearly spelt out the scope of Section 9 of the Act and also the procedure to be followed by the authority after issuance of show cause notice. Hence, the 1st respondent is expected to comply with these directions which is in line with the Act and Rules. Once such an assurance is given by the 1st respondent, the apprehension raised by the petitioner is sufficiently redressed. Hence, the same shall be kept in mind by the 1st respondent and the 1st respondent is directed to complete the enquiry and pass final orders, within a period of eight weeks from the date of receipt of a copy of this order.

8. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

04-06-2025

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Note : Issue order copy on 05.06.2025
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes/No
Neutral Citation:Yes/No

WP No.19959 of 2025

To

1.The Addl. Chief Secretary
Commissioner Of Revenue
Administration. Revenue Department
And Mitigation Department,
Ezhilagam, Chepauk, Chennai 600
005.

2.The District Manager
Tasmac Ltd, Cuddalore District

3.The Distrit Manager,
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Tasmac Ltd, Vellore District

13.The District Manager
Tasmac Ltd, Villupuram District

WP No. 19969 of 2025
To

1.The Additional Chief Secretary
Commissioner Of Revenue
Administration. Revenue Department
And Mitigation Department ,
Ezhilagam, Chepauk, Chennai 600
005.

2.Metropolitan Transport Corporation
Chennai Limited,
Represented By Its General Manager,
Pallavan Salai, Chennai

WP No. 19963 of 2025
To

1.The Addl. Chief Secretary
Commissioner Of Revenue
Administration, Revenue Department
And Mitigation Department ,
Ezhilagam, Chepauk, Chennai 600
005.

2.The General Manager

State Express Transport Corporation Tamilnadu Limited, Thiruvalluvar House, Pallavan Salai, Chenani 600 002.

WP No.19976 of 2025

To

1.The Addl. Chief Secretary
Commissioner Of Revenue Administration. Revenue Department And Mitigation Department , Ezhilagam, Chepauk, Chennai 600 005.

2.The General Manager
State Express Transport Corporation Tamilnadu Limited, Thiruvalluvar Hosue, Pallavan Salai, Chennai 600 002.

N.ANAND VENKATESH J.

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WP Nos. 19959, 19963,
19969, 19976 of 2025
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