



W.P.No.34000



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2025

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CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

AND

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P. No.34000 of 2025 and W.M.P. No.38160 of 2025

S. Ramamoorthi

Petitioner

vs.

1. The Assistant Divisional Engineer
(Highways) C & M
Highways Department Office, Circle II
Ambattur Division Avadi
Arumbakkam
Chennai 600 106
2. The Assistant Director
Survey and Settlement
Chepauk
Chennai 600 005
3. The Tahsildar
Ambattur Taluk
Chennai 600 053
4. The Assistant Settlement Officer – North
Office of the Principal Secretary and
Commissioner of Land Survey and Settlement
Chepauk
Chennai 600 005
5. The Special Tahsildar (Land Acquisition)
Ambattur No.1, Ambattur
Chennai 600 053

Respondents



Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records and quash the order passed by the first respondent in No.71/2024/७/dated 08.07.2025 and consequently, direct the respondents 2 and 3 to make correction in the town survey plan as per the village map and the DTP approved layout.

For petitioner Mr. R.P. Vijayakrishnan

For respondents Mr. T.K. Saravanan
Addl. Govt. Pleader

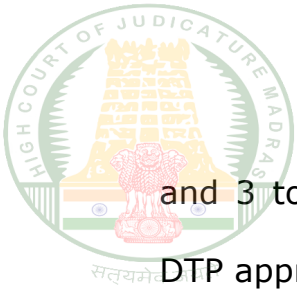
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ORDER

(made by M. SUNDAR, J.)

Captioned 'writ petition' [hereinafter 'WP' for the sake of brevity] has been filed with a prayer seeking issue of a writ of certiorarified mandamus.

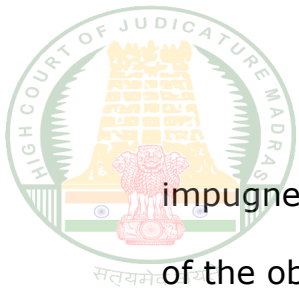
2. In and *vide* certiorari limb of the prayer, an 'order dated 08.07.2025 bearing reference No.71/2024/७ made by first respondent (Assistant Divisional Engineer)' [hereinafter 'impugned order' for the sake of convenience and clarity] has been assailed. The mandamus limb is a consequential limb *i.e.*, consequential *qua* certiorari limb. As regards the mandamus limb, the writ petitioner has sought a direction to respondents 2



and 3 to make correction in the town survey plan as per village map and DTP approved layout.

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3. Mr. R.P. Vijayakrishnan, learned counsel on record for writ petitioner, submits that the matter has been going back and forth, this is the fourth round of litigation, the writ petitioner came to this Court earlier by way of W.P.No.30853 of 2018 assailing a notice dated 09.11.2018 issued by first respondent and another Hon'ble Division Bench, in and by order dated 19.02.2024, directed the 09.11.2018 notice to be treated as a show cause notice (SCN) and permitted the writ petitioner to send objections and made it clear that objections have to be considered, orders have to be made and eviction, if any, will be only thereafter. It is further submitted that post this 19.02.2024 writ petition order, the writ petitioner sent a detailed representation dated 18.03.2024 annexing as many as 19 documents to support the representation and *inter alia* contending that the jurisdictional Tahsildar, i.e., Tahsildar, Ambattur, had issued a letter dated 26.08.2016 bearing reference Na.Ka.9907/2008/அ/, this letter is addressed to first respondent and in this letter, the jurisdictional Tahsildar has clearly stated that there is a mistake in town survey mMap as opposed to the village map. It is pointed out that this 26.08.2016 letter from Tahsildar to first respondent (third respondent to first respondent before us) has been annexed as serial no.13 to the representation dated 18.03.2024 but the



impugned order has been made by first respondent without considering any of the objections, more particularly, the aforementioned objection.

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4. Issue notice to respondents.

5. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for all five respondents and submits, on instructions, that one Sankar Ganesh filed a writ petition in this Court being W.P. No.22115 of 2025 with a Removal of Encroachment (RoE) prayer and this writ petition was disposed of by another Hon'ble Division Bench, to which, one of us (M.SUNDAR, J.) was a Member, by making it clear that Sankar Ganesh should resort only to contempt, if so advised and if so desired and if that be the case, and not seek another direction on the teeth of order dated 19.02.2024 in W.P. No.30853 of 2018 (writ petition filed by writ petitioner about which there is allusion *supra*).

6. Learned State counsel also brings to our notice that orders identical to the impugned order were made in the case of three other individuals, viz., J. Allen Christopher, J. Ronald Moses Raj and P.D. Singaram *alias* P.S. David, those three individuals came to this Court by way of three separate writ petitions being W.P. Nos.32293, 32298 and 32300 of 2025 and



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all those three writ petitions were disposed of by this Court in and by a common order dated 25.08.2025 [hereinafter 'Allen Christopher and 2 others' order' for the sake of convenience and clarity] *inter alia*, making it clear that three writ petitioners' objections have to be considered and orders have to be made and there can be no coercive action without such orders being made. To be noted, this is a reference to orders under proviso to Section 28(2)(ii) of 'the Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34 of 2002)' [hereinafter 'said Highways Act' for the sake of convenience and clarity].

7. This Court carefully considered the rival submissions. This Court finds that the legal perimeter within which the captioned main WP will have to perambulate is very limited and therefore, with the consent of learned counsel for writ petitioner and learned State counsel, captioned main WP is taken up for final disposal in the Admission Board, *i.e.*, Motion List itself.

8. As regards the impugned order, a bare perusal of the same brings to light that the impugned order has not considered the objections of the writ petitioner, much less specific objection pertaining to letter of the jurisdictional Tahsildar dated 26.08.2016 pointing out a mistake in the town survey map as opposed to the village map. On this short point, we



interfere, we set aside the impugned order and send the matter back to first respondent for consideration of objections of writ petitioner dated 18.03.2024 as well as 19 documents annexed thereto for making 'final orders' within the meaning of proviso to Section 28(2)(ii) of said Highways Act. Certiorari limb is, thus, answered.

9. This takes us to the mandamus limb of the prayer. As regards the mandamus limb, as already alluded to *supra*, the writ petitioner has specifically adverted to letter dated 26.08.2016 bearing reference Na.Ka.9907/2008/அ/ from third respondent to first respondent, wherein, jurisdictional Tahsildar appears to have said that there is a mistake in the town survey map as opposed to the village map.

10. Therefore, we deem it appropriate to answer the mandamus limb by saying that respondents 2 and 3 shall consider the matter regarding the mistake and make proceedings one way or the other after making a local inspection/survey, if necessary. We do so. If local inspection/survey is to be made, writ petitioner and any other person concerned should be put on notice, should be permitted to be present during local inspection/survey. A copy of the survey report drawn up should be furnished to the writ petitioner.

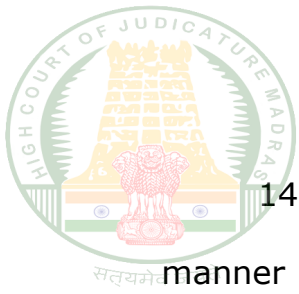


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11. We make it clear that orders to be made by first respondent being final orders under proviso to Section 28(2)(ii) (our answer to the certiorari limb) shall be after respondents 2 and 3 make proceedings one way or the other *vide* mandamus limb and after a copy of the survey report is provided to the writ petitioner.

12. As regards orders identical to the impugned order in the case of Allen Christopher and 2 others, we make it clear that final orders in the case of Allen Christopher and 2 others as well as final orders in writ petitioner's case shall be made simultaneously. This is to avoid conflicting situations or anomalies. We make it clear that orders will have to be made simultaneously but not necessarily by way of a common order as the facts and objections may or may not be the same.

13. Coercive action, if any and if that be so, shall be only subject to final orders being made under proviso to Section 28(2)(ii) of said Highways Act.



14. If the orders to be made by first respondent in the aforesaid manner are adverse to the writ petitioner, the same shall be kept in abeyance for a fortnight from the date of service of the orders on the writ petitioner so as to enable the writ petitioner to seek judicial review, if so advised and so desired. If the final orders to be made by first respondent end up in favour of the writ petitioner, that would obviously be curtains on the matter.

15. Captioned main WP stands disposed of in the aforesaid manner. In the light of what this Court has written regarding coercive action, captioned writ miscellaneous petition thereat has become otiose and the same stands disposed of as closed having become otiose. There shall be no order as to costs.

(M.S., J.) (M.S.K., J.)
11.09.2025

cad
Index : Yes/No
NC : Yes/No



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To

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