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W.P.No.27704 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and
THE HONOURABLE MR. JUSTICE T. VINOD KUMAR

W.P.No.27704 of 2024 and W.M.P. No.30222 of 2024

K. Thangavel

Petitioner

vs.

1. The Divisional Engineer (H)
Tamil Nadu Highways Department
Highways - Construction & Maintenance
Office of the Divisional Engineer
Pollachi
Coimbatore District
 2. The Assistant Divisional Engineer (H)
Highways - Construction & Maintenance
Pollachi
Coimbatore District
 3. The Tahsildar
Pollachi
Coimbatore District
 4. The Secretary to Government
Revenue and Disaster Management
Secretariat
Fort St. George
Chennai 600 009
 5. The Commissioner of Land Administration
Chepauk
Chennai 600 005
- (RR 4 & 5 *suo motu* impleaded today vide instant order)

Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records relating to notice-2/2024/Ka/dated 22.08.2024 issued by the second respondent and to quash the same and consequently, direct the second respondent to permit the petitioner to access the pipeline laid down to draw water to the land of the petitioner on payment of track rent charges.

For petitioner Mr. C. Prabakaran
For respondents Mr. T.K. Saravanan
Additional Government Pleader

ORDER

[made by M.SUNDAR, J.]

When the captioned 'writ petition' [hereinafter 'WP' for the sake of brevity] was listed before other Hon'ble Division Benches on 18.09.2024 and 25.09.2024, the following proceedings/orders were made:



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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

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

Calling in question the show cause notice dated 22.8.2024 issued by the second respondent directing the petitioner to remove the encroachment within seven days, in default whereof it was stated that the pipelines will be removed, the present writ petition is filed.

2. Learned counsel for the petitioner submits that the petitioner had already sent a representation to the first respondent on 7.8.2023 seeking permission to permit the petitioner to use the edge of the strip of mud pavement in Survey Nos.119 and 120, in which the pipelines are laid to draw and carry water, on payment of rent or charges fixed by the respondents under Section 45(1) and (2) of the Tamil Nadu Highways Act, 2001. Without considering the said representation, which was followed by another representation dated 17.8.2023, the impugned show cause notice has been issued.

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3. In the light of the aforesaid submission, without expressing any opinion on the merits of the claim made by the petitioner, we direct the first respondent to consider the representations of the petitioner dated 7.8.2023 and 17.8.2023, on merits and in accordance with law, and pass appropriate orders betimes, preferably within four weeks from the date of receipt of a copy of this order. Till such time, the respondents shall not take any coercive steps pursuant to the impugned show cause notice dated 22.8.2024.

4. It is brought to our notice that the consideration of the applications filed seeking grant of permission to pay track rent charges is delayed and the landlords are put to immense hardship. It is submitted that the landlords and/or agriculturists, who are seeking no-objection from the authorities have to approach various departments, to wit, the State Highways Department and the Revenue Department, and the process involved is cumbersome. It is added that if the agriculturists are not allowed to draw water, the growth of the crops cultivated will suffer, more particularly during dry season, and the entire object of seeking permission will be defeated.

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5. We, therefore, direct that Commissioner of Land Administration and the Secretary, Revenue Department to jointly chalk out a methodology to ease the red-tape and ensure that a single-window system is introduced, wherein the recommendation or objection report of the authority concerned can be obtained and thereafter the application can be processed right off.

6. Mr.A.Edwin Prabakar, learned State Government Pleader, accepts notice on behalf of the respondents and undertakes to communicate this order to the Commissioner of Land Administration and the Secretary, Revenue Department, State of Tamil Nadu, to enable them chalk out a methodology in the light of the observations made herein above and submit a detailed report.

7. List the matter next week before the same Bench.

(D.K.K., A.C.J.)

(P.B.B., J.)

18.09.2024

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THE HON'BLE ACTING CHIEF JUSTICE
and
M.JOTHIRAMAN, J.

By the order dated 18.9.2024, this Court directed the Commissioner of Land Administration and the Secretary, Revenue Department to jointly chalk out a methodology to ease the red-tape and ensure that a single-window system is introduced, wherein the recommendation or objection report of the authority concerned can be obtained and thereafter the application can be processed right off.

Today, when the matter is taken up, learned State Government Pleader, on instructions, submitted that the direction of this Court has been placed before the authorities concerned and they are now examining the matter for framing guidelines for granting track permission to the agriculturists.

Since the matter is substantially heard by this Bench today, list this matter before the same Bench after Pooja holidays after obtaining necessary orders on the administrative side.

(D.K.K., ACJ.) (M.J.R., J.)
25.09.2024

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2. Instant order shall now be read in conjunction with and in continuation of earlier proceedings/orders made by the other Hon'ble Division Benches.

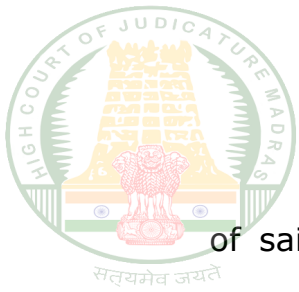


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3. In the light of the earlier proceedings, captioned WP is now in two parts. One part pertains to impugned notice which has been served on the writ petitioner *i.e.*, notice dated 22.08.2024 bearing reference Notice-2/2024/Ka. The second part pertains to Commissioner of Land Administration (CLA) and Secretary, Revenue and Disaster Department, Government of Tamil Nadu jointly chalking out a methodology and creating a single window system as regards requests of agriculturists who seek No Objection Certificates regarding pipelines for irrigation.

4. As regards the first part, learned State counsel submits that R1 has since made an order dated 25.09.2024 [hereinafter 'said order' for the sake of convenience and clarity] within the meaning of proviso to Section 28(2)(ii) of the Tamil Nadu Highways (Amendment) Act, 2024 (Act 11 of 2024) [hereinafter 'said Act' for the sake of convenience and clarity]. While learned State counsel asserted that said order has been served on the writ petitioner, learned counsel for writ petitioner was unable to either dispute or agree with the State counsel for want of instructions. To put an end to this situation, a copy



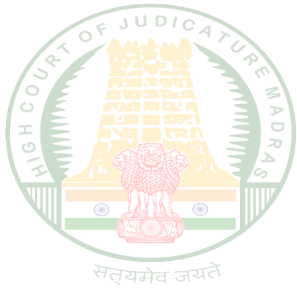
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of said order was served on the learned counsel for writ petitioner today and 01.08.2025 shall now be the reckoning date if writ petitioner chooses to assail the said order or seek judicial review *qua* said order.

5. This takes this order to the second part about which there is allusion *supra*. As regards the second part, learned State counsel, advertent to said order, submits that the matter is under active consideration of State and the exercise of framing guidelines for granting track rent permissions to agriculturists is underway. Learned State counsel further submits that this exercise will be concluded by State as expeditiously as the business of official respondents permits but in any event within 14 weeks from today *i.e.*, on or before 14.11.2025.

6. For the purpose of effective Action Taken Report (ATR) which we are to requisition *infra* in P.S., we *suo motu* implead the following officials as RR 4 and 5 respectively:

- i. The Secretary to Government
Revenue and Disaster Management
Secretariat
Fort St. George
Chennai 600 009



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- ii. The Commissioner of Land Administration
Chepauk
Chennai 600 005

7. The narrative thus far makes it clear that the captioned WP now stands addressed and a closure can be given to the captioned WP.

8. We dispose of the captioned WP as closed. Consequently, captioned writ miscellaneous petition stands disposed of as closed. There shall be no order as to costs.

(M.S., J.) (T.V.K., J.)
01.08.2025

cad

P.S.:

(1) For Action Taken Report, list on 17.11.2025; and

(2) Registry to carry out necessary and consequential amendments before uploading and before issuing the certified copies.



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M.SUNDAR, J.

and

T.VINOD KUMAR, J.

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