



W.P.Nos.39613, 39615, 39616, 39617, 39619, 39620, 39622, 39623, 39625, 39626 and 39628 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 02.01.2025

Coram

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

W.P.Nos.39613, 39615, 39616, 39617, 39619, 39620, 39622, 39623,
39625, 39626 and 39628 of 2024

&

W.M.P.No.42889, 42892, 42895, 42897, 42899, 42901, 42903, 42906,
42908, 42910, 42912 of 2024

W.P.No.39613 of 2024

D.Babu Reddy

S/o.Raji Reddy

.. Petitioner

VS

1. The District Collector

Tirvuallur District

Tiruvallur

2. The Tahsildar

Ponneri Taluk Office

Ponneri – 601 204

Tiruvallur District



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3. The Executive Engineer

Public Works Department (WRD)

Araniyar Basin Division

Thiruvallur – 602 001

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records of the first respondent pursuant to the impugned proceedings vide Na.Ka.No.1518/2024/II dated 28.09.2024 and quash the same as arbitrary, unjustifiable and illegal and also for violation of natural justice and infringement of fundamental constitutional rights in so far as the petitioner's lands are concerned, being agricultural lands bearing Patta No.593, comprised in Survey No.1180/3, measuring to an extent of 0.45.00 hectare (acre 1.11 cents), Survey No.1169/1A, measuring 0.19.50 hectare (acre 0.48 cents), Survey No.1169/1B, measuring 0.14.00 hectare (acre 0.35 cents), Survey No.1170/1A, measuring 0.05.50 hectare (acre 0.13 1/2 cents), Survey No.1170/1B, measuring 0.09.50 hectare (acre 0.23 cents) and bearing Patta No.600, comprised in Survey No.1172/1, measuring 0.11.00 hectare (acre 0.27 cents), Survey No.1175/1, measuring 0.41.00 hectare (acre 1.01 cents), all the lands are situated at Perumbedu-II Village, Ponneri Taluk, Tiruvallur District.

For Petitioner : Mr.R.Munusamy



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For Respondents : Mr.T.Ravi
Special Government Pleader for R1 to R3

COMMON ORDER

(Order of the Court was made by M.SUNDAR, J.)

In the captioned eleven writ petitions, 'orders dated 28.09.2024 bearing reference Na.Ka.No.1518/2024/II made by R1 (The District Collector, Tirvuallur District)' [hereinafter 'impugned orders' for the sake of convenience] have been called in question.

2. Mr.R.Munusamy, learned counsel for writ petitioners adverting to the impugned orders submits that a directive to take action under 'The Disaster Management Act, 2005 (53 of 2005)' [hereinafter 'said Act' for the sake of brevity] has been given but no opportunity has been given to the patta land holders and according to learned counsel for writ petitioners, the writ petitioners are patta land holders. To be noted, the writ petitioners are co-noticees qua impugned orders.



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3. Issue notice to respondents.

4. Mr.V.Ravi, learned Special Government Pleader accepts notice for all three respondents.

5. Learned State counsel submits that the impugned orders came to be passed / made in the month of September owing to inclement weather and impending monsoon.

6. Considering the limited legal perimeter within which the captioned writ petitions perambulate, with the consent of learned counsel on both sides, main writ petitions are taken up in the Admission Board.

7. A careful perusal of the impugned orders brings to light that R1 has directed R3 to remove trees and bushes in patta land also though it is described as 'patta land inside both river banks'.

8. Notwithstanding very many averments in the writ support affidavits, learned counsel for writ petitioners very fairly submitted that all that is required is an opportunity to the writ petitioners to show-cause.

Learned counsel submits that there are standing crops in the patta lands.



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9. In the light of the narrative thus far and in the light of the stated position that the writ petitioners were not show-caused prior to the impugned orders, the following common order is made:

i) The 11 impugned orders, all dated 28.09.2024 bearing reference Na.Ka.No.1518/2024/II, shall now be treated as 'show-cause notices' ['SCNs' for the sake of brevity] ;

ii) The noticees shall send their replies (if so advised and if so desired) together with supporting documents within four weeks from today i.e., by 30.01.2025;

iii) R1 (The District Collector, Tirvullur District) shall consider the replies and supporting documents;

iv) On consideration i.e., on *prima facie* consideration, if R1 is of the view that a personal hearing is necessary, a common personal hearing for all the noticees can be held by R1. We make it clear that it is not imperative for R1 to hold



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a personal hearing, it will suffice to give reasonable opportunity, which requirement is being satisfied by directing the impugned orders to be treated as SCNs;

v) We also make it clear (for the sake of specificity) that there is no impediment in R1 holding a personal hearing, if R1 is of the view that it is imperative after perusing the response of the writ petitioners;

vi) Though obvious, we make it clear that any further action will be subject to further orders which shall be made by R1 after considering the response of the writ petitioners (response to SCNs).

Captioned writ petitions disposed of in the aforesaid manner. Consequently, captioned writ miscellaneous petitions thereat are disposed of as closed. There shall be no order as to costs.

[M.S., J]

[K.R.S., J]

02.01.2025



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(1/2)

Index: Yes/No

Neutral Citation: Yes/No

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To

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Tiruvallur District

Tiruvallur

2. The Tahsildar

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