

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.07.2015

Coram

The Hon'ble Mr. Justice T.S. SIVAGNANAM

W.P. No.21643 of 2014

M.G.Singharavel

.. Petitioner

Vs

1.The District Collector,
Nagapattinam District,
Nagapattinam.

2.The Tahsildar,
Nagapattinam

... Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, to call for the records relating to the proceedings made in Na.Ka.No.4235/2013/B4, dated 04.08.2014, issued by the first respondent and quash the same and consequently, forbear the first respondent from conducting any enquiry in pursuant to the impugned notice and pass such further or other order.

For Petitioner ... Mr.G.Ethirajullu for
M/s.Parathasarathy.Pitty

For Respondents .. Mr.R.Vijayakumar
Additional Government pleader

O R D E R

Heard the learned counsels appearing on either side and perused the materials placed on record. By consent of the learned counsels on either side, the writ petition is taken up for final disposal.

2. The petitioner has filed this Writ Petition for issuance of a Writ of Certiorarified Mandamus, to quash the notice issued by the first respondent dated 04.08.2014, calling upon the petitioner to attend the enquiry.

3. At the out set, it has to be pointed out that a notice issued by the District Collector cannot be injuncted at the threshold. The apprehension of the petitioner is that the District Collector may decide the question of title in the process of conducting an enquiry. In my view the apprehension of the petitioner is thoroughly pre-

mature and the petitioner ought to have appeared before the District Collector and requested for information as to the purpose of the enquiry and the petitioner has virtually attempted to foreclose the entire issue. The impugned notice states that there is some error in the manner of preparation of the list containing the names of beneficiaries under the Drought Relief Assistance Scheme. If that be so, there is sufficient jurisdiction for the District Collector to enquire into the matter as to whether there is any error in the manner in which the names of the eligible persons were prepared. However, it goes without saying that if there is any dispute regarding title, then the District Collector cannot examine those aspects. Hence on the grounds raised by the petitioner, the impugned notice cannot be quashed.

4. Accordingly, the Writ Petition is dismissed with the above observations. The petitioner is directed to appear for the enquiry on the date fixed by the District Collector. In this regard, the District Collector shall issue fresh notice to the petitioner fixing a date for enquiry and the petitioner shall appear before the District Collector and raise all points. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pbn

सत्यमेव जयते

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To

1.The District Collector,
Nagapattinam District,
Nagapattinam.

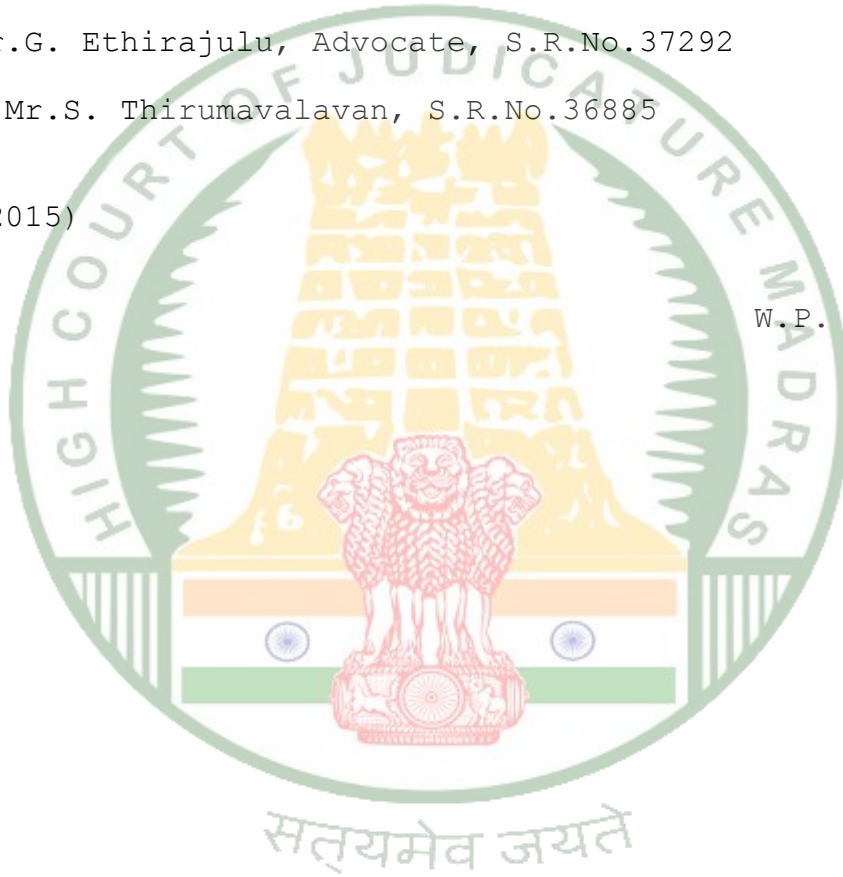
2.The Tahsildar,
Nagapattinam.

+1cc to Mr.G. Ethirajulu, Advocate, S.R.No.37292

+ 1 cc to Mr.S. Thirumavalavan, S.R.No.36885

CNR(CO)
EU(12/08/2015)

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