

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2015

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.No.38219 of 2015
and M.P.No.1 of 2015

Shri Kondapalli Srinivasarao

... Petitioner

Vs.

1. The Collector,
Thiruvavarur.
2. The District Revenue Officer,
Thiruvavarur.
3. The Revenue Divisional Officer,
Thiruvavarur.
4. The Tahsildar,
Valangaiman Taluk,
Thiruvavarur District.

5.V.Sambasivam

... Respondents

Prayer:Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorari, calling for the impugned notice of the fourth respondent issued to the petitioner dated 08.09.2015 in No.Na.Ka.3944/2015 received by the petitioner dated 11.09.2015 and quash the same.

For Petitioner : Mr.Dr.R.Rajagopal

For Respondent : Mr.P.Sanjay Gandhi,
Nos.1 to 4 Additional Government Pleader

O R D E R

By the impugned notice, the petitioner was asked to appear for enquiry with relevant records in pursuant to the application made by the fifth respondent seeking to record him as cultivating tenant in respect of the property in Survey No.87/2 situated in Aravathur Village, Valangaiman Taluk, Tiruvavarur District. Challenging the said enquiry notice, the petitioner has come forward with the present writ petition.

2. Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for the respondents 1 to 4.

3. The learned counsel for the petitioner submitted that the notice has been issued without appreciating the relevant facts. He further submitted that the petitioner has purchased the property by registered sale deed and the lands have also been acquired by the National Highways and notice has been issued to the petitioner in his individual name and the other co-owners.

4. This Court is afraid to exercise the power of this Court under Article 226 of the Constitution, being discretionary and extra ordinary in nature, as no interference is required at the time of enquiry initiated by the fourth respondent as the dispute is factual in nature. Thus, a proper cause for the petitioner is to place records relied on by him before the fourth respondent for the dismissal of the relief sought for by the fifth respondent.

5. Therefore, the petition stands disposed of with a liberty to the petitioner to raise all issues both on facts and law in the proposed enquiry to be conducted by the fourth respondent in pursuant to the notice issued dated 19.11.2015. The petitioner is given further period of four weeks from the date of receipt of a copy of this order to furnish his explanation and objections to the concerned authority. Thereafter, the fourth respondent shall pass appropriate final orders ***within a further period of four weeks** after considering the materials placed by the petitioner, apart from considering the relevant materials to be produced on the part of the fifth respondent .

6. The writ petition stand disposed of accordingly. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-

Asst.Registrar (CO)

Dated : 23.12.2015

***Corrected as per being mentioned order of this court dated 27.01.2016 and made in W.P.No.38219 of 2015 and M.P.No.1 of 2015.**

Sd/- Assistant Registrar (CS IV)

Dated : 29.01.2016

/true copy/

Sub Asst. Registrar

DP

To

1. The Collector,
Thiruvarur.
2. The District Revenue Officer,
Thiruvarur.
3. The Revenue Divisional Officer,
Thiruvarur.
4. The Tahsildar,
Valanngaiman Taluk,
Thiruvarur District.

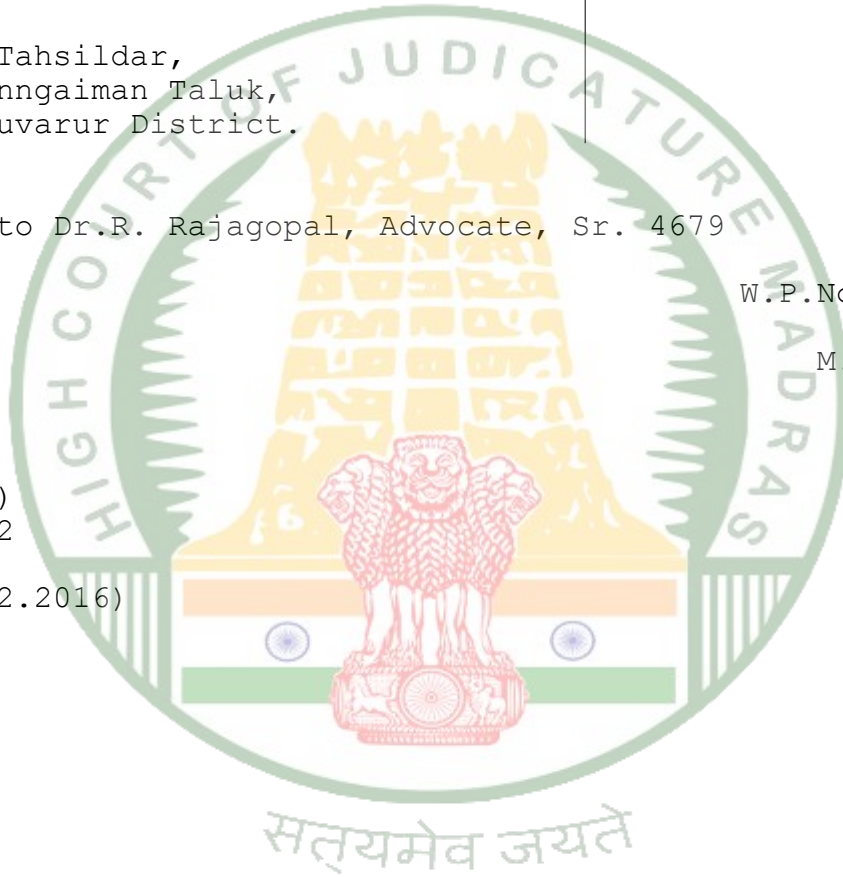
To be substituted to the
order already despatched
on 06.01.2016

2 cc's to Dr.R. Rajagopal, Advocate, Sr. 4679

W.P.No.38219 of 2015
and
M.P.No.1 of 2015

KGK (CO)
kk 28/12

CA(01.02.2016)



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