

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2015

CORAM

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

W.P.No.38506 of 2015  
and M.P.Nos.1 and 2 of 2015

R.Gurusamy ... Petitioner

Vs.

1. The Revenue Divisional Officer,  
O/o.The Revenue Divisional Officer,  
Tiruchengode, Namakkal District,

2. Perumal ... Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records pertaining to the proceedings in Ref.No.Na.Ka.3916/2014 Aa dated 27.03.2015 on the file of 1st respondent as the same is without jurisdiction.

For Petitioner : Mr.S.Viswanathan

For Respondents: Mr.V.Subbiah, Spl.Govt.Pleader  
for R.1

O R D E R

Challenging the impugned proceedings dated 27.3.2015 issued by the 1st respondent, by which the petitioner was asked to appear for enquiry on a complaint given by the 2nd respondent, the present writ petition has been filed by the petitioner.

2. A perusal of the impugned proceedings would show that it is only a notice calling upon the petitioner to appear for enquiry. A writ of mandamus would not lie preventing the authority to exercise his statutory power. The petitioner, instead of appearing before the 1st respondent, has come forward before this Court with the present writ petition. Such an order of prohibition cannot be granted by this Court. It is not as if the 1st respondent has no jurisdiction to conduct enquiry.

3. Hence, the writ petition stands disposed of by directing the 1st respondent to conclude the enquiry within a

period of eight weeks from the date of receipt of copy of this order. The petitioner is at liberty to give a reply to the proceedings of the 1st respondent dated 27.3.2015 within a period of four weeks from the date of receipt of a copy of this order. The 1st respondent shall pass final orders as aforesaid by considering the respective cases of the parties concerned.

4. The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar (CS-V)

//True Copy//  
Sub Assistant Registrar

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To

1. The Revenue Divisional Officer,  
O/o. The Revenue Divisional Officer,  
Tiruchengode, Namakkal District.

+1 cc to Government Pleader, sr.66625

+ 1 CC TO MR.S.VISWANATHAN, ADVOCATE SR 66412 (6/1/16)

W.P.No.38506 of 2015

ak co  
kra 29.12.2015

सत्यमेव जयते

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