



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.01.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P. (MD)No.20894 of 2014

and

M.P. (MD)No.1 of 2014

Alagesan

... Petitioner

Vs.

1.The Revenue Divisional Officer /
Sub - Collector, Thoothukudi District

2.The Tahsildar, Thoothukudi Taluk,
Thoothukudi, Thoothukudi District.

3.The Village Administrative Officer,
Korampallam Village - Part II Village,
Thoothukudi Taluk,
Thoothukudi District.

4.D.Thomas

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the enquiry notice dated 15.11.2014 in proceedings in Na.Ka.No.A1/7214/2012 on the file of the 1st respondent and quash the same as illegal.

For Petitioner

: Mr.M.P.Senthil

For Respondents
(R1 and R2)

: Mr.S.Chandrasekar
Govt.Advocate

For Respondent-3

: Mr.K.Guru
Addl.Govt.Pleader

O R D E R

The Writ Petition has been filed praying for a Writ of Certiorari, to call for the records relating to the enquiry notice dated 15.11.2014 in proceedings in Na.Ka.No.A1/7214/2012 on the file of the 1st respondent and quash the same as illegal.

2. According to the petitioner, notice cannot be sent by the Revenue Divisional Officer, as he is an appellate authority. The original the order has been passed by the Tahsildar and if any modification is to be done, it can be done only by the Tahsildar. If the appellate authority passes an order at this stage, he will be losing one appeal. Further, he would also content that even as early as in 2012, a similar proceedings commenced and that was not proceeded and thereafter, again after two years, the present notice has been issued and therefore, the order is not valid in the eye of law.



3. The learned Government Advocate for the respondents 1 and 2 would only content that aggrieved against the sub division made by the Tahsildar, the aggrieved party has given a representation to the appellate authority and only pursuant to that, a notice has been issued and even in that notice, calling upon the aggrieved party to file their objection, if any, and in the meanwhile, they have also brought to the notice of this court that a civil suit is pending and the authority will take note of the rival disputes between the parties and will give notice to both the parties and thereafter, pass appropriate orders in accordance with law. In fact, the learned Government has also produced the original filed for perusal before this Court.

4. Though notice was sent to the 4th respondent, it has not been served.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Since the petitioner is challenging a show-cause notice, as such, the writ petition, at this stage, is not maintainable. However, the authority viz., the Revenue Divisional Officer, who is an appellate authority, is directed to give notice to both the petitioner as well as the 4th respondent and enquire them, especially, taking into consideration of the fact that there is a civil dispute is pending between them and pass appropriate orders on merits in accordance with law.

7. With the above observation, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Per Admn)

/True copy/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer /
Sub - Collector, Thoothukudi District

2.The Tahsildar, Thoothukudi Taluk,
Thoothukudi, Thoothukudi District.

3.The Village Administrative Officer,
Korampallam Village - Part II Village,
Thoothukudi Taluk, Thoothukudi District.

+1cc to MR.M.P.SENTHIL, ADVOCATE IN SR : 3662

+1CC TO THE SPECIAL GOVERNMENT PLEADER, IN SR : 3614

Mpk

SR : 17.02.2015 : 2p/6c

<https://hcservices.ecourts.gov.in/hcservices/>

W.P. (MD) No.20894 of 2014

27.01.2015