



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2015

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P(MD)No.21426 of 2015
and M.P.(MD) No. 1 of 2015

O.V.S.Thavamani

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The District Revenue Officer,
Madurai District,
Madurai.

3.Mrs.R.Rajam

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the impugned order in Na.K. No. G.5/30053/2015 dated 01.09.2015 on the file of respondent No.2 and quash the same as illegal and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

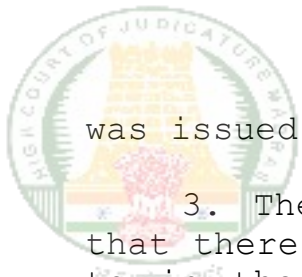
For Petitioner
For R1 & R2

: Mr.T.Lajapathi Roy
: Mr.M.Murugan
Government Advocate

O R D E R

This writ petition is filed Challenging the proceedings of the second respondent dated 01.09.2015 which is nothing but notice issued to the petitioner and the third respondent calling upon them to appear for enquiry on 18.09.2015 in respect of UDR patta.

2. First of all, as the impugned proceedings is only a notice issued by the second respondent to conduct an enquiry in respect of UDR patta matters, this Court is not inclined to entertain the writ petition against such notice, as it is for the petitioner to appear and give explanation before the second respondent. Moreover, the impugned notice fixed the date of hearing as 18.09.2015 which has already expired even on the date of filing of the present writ petition. Therefore, the petitioner has challenged the notice which is not having any life as such. It is stated by the learned Government Advocate that subsequent notice



was issued calling upon the petitioner to appear on 04.12.2015.

3. The learned counsel for the petitioner further submitted that there is a title dispute with regard to the property referred to in the impugned proceedings and such dispute cannot be gone into by the second respondent.

4. Needless to say that if there is any title dispute, such dispute has to be considered and decided only by the competent court of law and not by the revenue officials. Whether any title dispute is there between the parties or not has to be considered and decided by the District Revenue Officer only after hearing the petitioner and the third respondent. Therefore, the apprehension of the petitioner as projected before this Court in this writ petition is highly premature.

5. Considering all these facts I find no merit to interfere with the impugned proceedings. Accordingly, the same is dismissed however with liberty to the petitioner to appear before the second respondent and give his explanation as sought for. No costs. Consequently, connected M.P. is also dismissed.

Sd/-

Assistant Registrar(Writ)

/True copy/

Sub Assistant Registrar

To

1. The District Collector, Madurai District, Madurai.

2. The District Revenue Officer, Madurai District, Madurai.

+one cc to The Special Government Pleader in SR.No. 68814

CSL/SKS-RR/10.12.2015

2p/4c

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and M.P.(MD) No. 1 of 2015
02.12.2015