



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.12.2015

CORAM:

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.(MD)No.22104 of 2015

and

M.P(MD)No.1 of 2015

T.Rosilin Thangam

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul District,
Dindigul.

3.The Thasildar,
Natham Taluk Office,
Natham,
Dindigul District.

... 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 pertaining to the impugned order in Na.Ka.No.4453/2011/Aa4, dated 26.11.2015 on the file of the second respondent and quash the same as illegal.

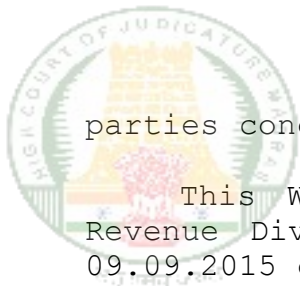
For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.S.Kumar,
Additional Government Pleader

O R D E R

This Writ Petition is filed challenging the enquiry notice issued by the second respondent, dated 26.11.2015.

2. It is seen that the petitioner's husband filed a Writ Petition before this Court in W.P(MD)No.18308 of 2015 challenging the order passed by the Revenue Divisional Officer, Dindigul District, dated 09.09.2015 cancelling the patta granted in favour of the petitioner's husband. When the matter was taken up on 27.11.2015, it was represented by the learned Government Pleader that the said impugned order was cancelled by passing an another order, dated 16.10.2015. Taking note of the said fact, this Court disposed the said Writ Petition as infructuous, however by observing that it is open to the petitioner therein to challenge any order passed in future in the manner known to law. It was also made clear in the said order that if the Revenue Divisional officer is going to pass any further order, the same shall be made after hearing all the



parties concerned. The relevant order is extracted hereunder:

This Writ Petition is filed challenging the order passed by the Revenue Divisional Officer, Dindigul District in No.4453/2011/A4 dated 09.09.2015 cancelling the patta granted in favour of the petitioner.

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2. Today, when the matter is taken up for further hearing, the learned Government Pleader appearing for the Revenue Divisional Officer, produced the copy of the order, dated 16.10.2015 stating that the order challenged in this Writ Petition has been cancelled.

3. Considering the above facts, nothing survives in this Writ Petition to be adjudicated upon further, as the prayer sought for in this writ petition has become infructuous in view of the order passed by the Revenue Divisional Officer, dated 16.10.2015. If any further order is passed in future against the petitioner, it is open to him to challenge the same, in the manner known to law. Needless to state that if the Revenue Divisional officer is going to pass any further order, the same shall be made after hearing all the parties concerned.

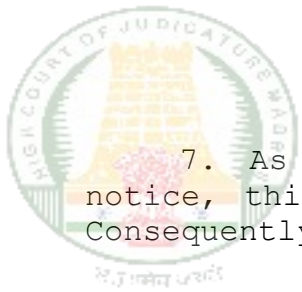
4. With the above direction, this Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

3. Consequent upon the said order passed, the present impugned notice is issued by the Revenue Divisional Officer. Now, the wife of the writ petitioner in W.P(MD)No.16514 of 2015 has filed the present writ petition challenging the said notice.

4. When the matter was taken up for hearing for admission, at the first instance, the learned counsel appearing for the petitioner sought the matter to be listed before the Division Bench as if it pertains to a land encroachment proceedings, not connected with the earlier round of litigation.

5. This Court on perusal of the materials placed before this Court, is not inclined to post the matter before the Division Bench as it is evident that the petitioner is trying to drag on the proceedings for some reason or other without having any bonafide, especially when the husband of the petitioner earlier approached this Court and filed a Writ Petition wherein an order came to be passed by this Court on 27.11.2015 as stated above.

6. Therefore, when the very notice issued by the Revenue Divisional Officer is in compliance of the order passed by this court in the earlier Writ Petition, In find no ground to interfere with the same. Moreover, when it is only a notice calling upon the petitioner's husband to appear for an enquiry, there cannot be any prejudice for the petitioner's husband or the petitioner to go and appear before the Revenue Divisional Officer and submit the explanation if the petitioner's husband is not available.



7. As this Court is not inclined to interfere with the enquiry notice, this Writ Petition is dismissed as not maintainable. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Dindigul District, Dindigul.

2.The Revenue Divisional Officer,
Dindigul District, Dindigul.

3.The Thasildar,
Natham Taluk Office, Natham,
Dindigul District.

+1cc to Mr.T.Lajapathi Roy, Advocate SR.No.71294

+1cc to The Special Government Pleader, Madurai. SR.No.71054

W.P. (MD) No.22104 of 2015

10.12.2015

pm

NS/AMF (PM-MP) /21.12.2015 : 3P/6C