

In the High Court of Judicature at Madras

Dated : 23.9.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.21550 of 2015 &
MP.No.1 of 2015 & WMP.No.24946 of 2016

S.Ragunathan

...Petitioner

Vs

1.The Executive Officer, Tirukoilur
Town Panchayat, Tirukoilur,
Villupuram District.

2.The Sub-Registrar, Tirukoilur,
Villupuram District.

3.R.Radhakrishnan

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Certiorari to call for the
records of the first respondent in respect of his two
proceedings in Na.Ka.No.475/2013 dated 5.6.2015 and sent to the
petitioner on 6.7.2015 and quash the same.

For Petitioner : Mr.N.Suresh

For Respondent-1 : Mr.D.Suriyanarayanan

For Respondent-2 : Mr.A.N.Thambidurai, SGP

For Respondent-3 : Mr.D.Muthukumar

ORDER

Heard all the parties.

2. This is the second time the petitioner is before this
Court for the same issue.

3. Earlier, the petitioner had filed W.P.Nos.2650 and 3934
of 2014 challenging an order passed by the first respondent
dated 3.1.2014 and 28.1.2014. After elaborately hearing the

learned counsel, the said writ petitions were disposed of by a common order dated 10.2.2015. The operative portion of the said order dated 10.2.2015 reads as follows :

"Accordingly, the impugned orders cannot be implemented and cannot be given effect to, since it has been passed in total violation of principles of natural justice. However, this Court is not inclined to set aside the impugned orders at this juncture and there will be a direction to the petitioner to treat both the impugned orders as show cause notices and the petitioner is directed to submit his explanation to the same and also submit all documents in support of his claim. On receipt of the explanation, the Executive Officer, Tirukoilur Town Panchayat is directed to issue notice to the persons, in whose favour, the land has been registered in Document No.554/2007 and also to R.Radhakrishnan and hear all the parties in person and thereafter pass a reasoned order on merits and in accordance with law. However, in the meantime, if any order has been passed by the Civil Court, then the matter shall be kept in abeyance by the respondent."

4. Thus, in terms of the above directions, the petitioner ought to have submitted their objections to the impugned orders therein, which were directed to be treated as show cause notices. However, the petitioner, taking advantage of the fact that this Court did not prescribe any time limit, sent a notice to the first respondent that he has to furnish copies of the applications filed by the third respondent.

5. In my view, this was uncalled for, since the petitioner should have abided by the directions issued by this Court in the earlier writ petitions. In any event, an enquiry is required to be conducted by the first respondent. Therefore, this Court is of the view that the matter could be sent back with certain directions.

6. Accordingly, the writ petition is disposed of with a direction to the petitioner to submit his objections within two weeks from today and on receipt of the objections, the first respondent shall conduct an enquiry, in which, both the petitioner and the third respondent should be heard in person. During the course of enquiry, both the parties can inspect the

files and make their submissions. After completion of enquiry within two weeks, the first respondent shall pass fresh orders on merits and in accordance with law. No costs. Consequently, the connected MP and WMP are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

RS

To

1.The Executive Officer,
Tirukoilur Town Panchayat,
Tirukoilur, Villupuram District.

2.The Sub-Registrar,
Tirukoilur, Villupuram District.

+1cc to Mr. N. Suresh, Advocate, S.R.No.54515

+1cc to Mr.D. Muthukumar, Advocate, S.R.No.55222

TRM(CO)
EU(28/09/2016)

WP.No.21550 of 2015 &
MP.No.1 of 2015 & WMP
No.24946 of 2016

सत्यमेव जयते

WEB COPY