

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.28999 of 2015
and
MP.No.1 of 2015

M.Kaliyaperumal

... Petitioner

Vs.

1.The District Collector,
Cuddalore.

2.The Thasildhar,
Cuddalore.

3.Govindan

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari to call for the records of the second respondent in Na.Ka.No.A1-789-2015, dated 22.07.2015 and quash the same.

For Petitioner :Mr.N.Suresh

For R1 & R2 :Mr.V.Jayaprakash Narayanan
Special Government Pleader

For R3

:Mr.V.J.Arul Raj

O R D E R

Challenging the notice dated 22.07.2015 issued by the second respondent, the petitioner has come up with the present writ petition.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader for respondents 1 and 2 and the learned counsel for the third respondent.

3. According to the petitioner, he is the owner of a

property by virtue of sale deeds dated 30.10.1994, 07.08.1995, 18.11.1998 and 02.05.2008. While so, he received a summons dated 22.07.2015, under which, the second respondent called upon him to appear for enquiry initiated at the instance of the third respondent, who had allegedly given a petition to the second respondent to recover the possession of the land in S.No.81/9D, measuring to an extent of 0.13.0 ares, out of 0.35.0 ares from the petitioner. On receipt of the same, the petitioner sent a legal notice dated 25.07.2015 to the second respondent stating that the second respondent has no jurisdiction to conduct enquiry for recovery of the land in question. Thereafter, he filed the present petition for the above stated relief.

4. Today, when the matter came up for consideration, learned counsel for the third respondent, on instructions, submitted that the third respondent has no intention to recover the land from the petitioner, but he wanted to survey the land in S.No.81/9D. It is further submitted that it would be suffice, if the land in question is surveyed by the second respondent. The said submission is recorded.

5. In view of the submission made by the learned counsel for the third respondent, the relief sought for in this writ petition is nothing but an apprehension of the petitioner. Therefore, the same cannot be granted by this Court. However, the second respondent is directed to conduct enquiry in this regard and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioner as well as to the third respondent, within a period of six weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Cuddalore.

2.The Thasildhar,
Cuddalore.

+1 cc to Mr.N.Suresh, Advocate, sr.15926
+1 cc to Government Pleader, sr.15741
+1 cc to V.J.Arulraj, Advocte, sr.15419

W.P.No.28999 of 2015

rsy co
kra 07.04.2016



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