

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2016

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 33340 of 2012

and

M.P. No. 1 of 2012

1. R. Sundararaj
2. S. Thavamani

..Petitioners

Vs.

1. Deputy Superintendent of Police
District Crime Branch
Perambalur
Perambalur District.

2. Inspector of Police
District Crime Branch
Perambalur
Perambalur District.

3. Revenue Divisional Officer
Perambalur
Perambalur District.

4. K. Ravichandran
Periyar Street
Perambalur Town
Perambalur District.
registered Power Agent of
 1. Tmt. Rajamani
 2. P. Kalyanasundaram
 3. Minor Paranjothi
 4. Minor Deepak Saravanan

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the notice passed by the 2nd respondent in C.No. 204/08, DCB/PLR/G2/1533/08 dated 06.11.2012 and quash the same and forbearing the respondents from holding any enquiry in respect of the property situated in Survey No.422-1 Perambalur Town, Perambalur District and pass further orders.

For Petitioners : Mr. Ganesan
for C.S. Associates

For Respondents : Mr. S. Navaneethan,
Addl.Govt. Pleader for R1 to R3

R-4 No Appearance

O R D E R

The petitioners have come up with the present writ petition praying to quash the notice passed by the 2nd respondent in C.No. 204/08, DCB/PLR/G2/1533/08 dated 06.11.2012 and forbearing the respondents from holding any enquiry in respect of the property situated in Survey No.422-1 Perambalur Town, Perambalur District

2. Learned counsel for the petitioners submitted that the petitioners, husband and wife, are the owners of the land in S.No.422/1, renumbered as Survey No.2898/1-A. The patta was also issued in their name and they developed construction in their plot. The fourth respondent, gave a petition dated 13.12.2008 seeking to delete the name of the petitioners in the patta, the petitioners were asked to appear in person for enquiry by the third respondent. Although the petitioners appeared for the enquiry on 11.10.2010, they did not appear for the subsequent enquiry. The writ petition and the writ appeal filed by the petitioners on the ground of jurisdiction, were dismissed by this Court. After detail enquiry, on 04.01.2012, the 3rd respondent directed the parties to approach the civil court for their relief. In the meanwhile, the petitioners filed O.S. No. 548 of 2011 before the District Munsif Court, Perambalur and the same is pending. Whilesso, the second respondent had issued a notice to the petitioners to appear for enquiry on 06.11.2012. Challenging the said notice, the petitioners are before this Court.

3. Learned Additional Government Pleader, on instructions, submitted that based on the complaint of one K.Ravichandran, who is the power agent/ 4th respondent, the 2nd respondent directed the petitioner to appear for enquiry. Since the civil case is pending before the learned District Munsif, Perambalur, the petitioner has to approach the civil court and no enquiry can be conducted by the 2nd respondent, on the complaint given by the 4th respondent.

4. Heard learned counsel for the parties and perused the material available on record.

5. Recording the submission made by the learned Additional Government Pleader that the matter is pending before the Civil Court and the right of the petitioner has to be decided only by the Civil Court, the writ petition is dismissed. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

avr

To

1. The Deputy Superintendent of Police
District Crime Branch
Perambalur
Perambalur District.
 2. The Inspector of Police
District Crime Branch
Perambalur, Perambalur District.
 3. The Revenue Divisional Officer
Perambalur, Perambalur District.
- 1 cc to Government Pleader, Sr. 74437

W.P. No. 33340 of 2012

PA (CO)
kk 24/1

सत्यमेव जयते

WEB COPY