

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2016

CORAM:
THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.42877 of 2016

K.Thangaraj

... Petitioner

vs.

1. The District Revenue Officer,
Tiruppur.
2. The Revenue Divisional Officer,
Tiruppur.
3. The Tahildar,
Tiruppur (South), Tiruppur.
4. C.Thangaraj ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari, calling for the records of the 1st respondent in his proceedings Na.Ka.No.9260/2016/J1, dated 22.09.2016 and quash the same.

For Petitioner : Mr.J.Franklin

For Respondents : Mr.A.Kumar
Special Government Pleader

O R D E R

Seeking to quash the proceedings of the 1st respondent vide Na.Ka.No.9260/2016/J1, dated 22.09.2016, the petitioner has come up with this Writ Petition.

2. According to the petitioner, he is in peaceful possession and enjoyment of the property in question from the date of its purchase. While so, the 4th respondent filed a suit in O.S.No.289 of 2016 before the District Munsif Court, Tiruppur against the petitioner not to issue patta in his name, as the petitioner has got no right or title over the subject matter of the property. Since the 4th respondent interfered with the peaceful possession and enjoyment of the petitioner's property, the petitioner filed a suit in O.S.No.291 of 2016 before the District Munsif Court, Tiruppur for permanent injunction.

3. Pending disposal of both the suits, the petitioner made an application to the 3rd respondent for change of patta in his name and the 3rd respondent, by an order dated 13.08.2015 denied the petitioner's request for change of patta in his name on the ground that a Civil Suit is pending against him. Aggrieved by the said order, the petitioner made an application to the 2nd respondent, who after conducting enquiry, by an order dated 29.07.2016 issued a joint patta in his name vide Patta No.3516. Challenging the said order, the 4th respondent preferred an appeal on 22.08.2016 before the 1st respondent and in the said appeal, the 1st respondent issued a notice dated 22.09.2016 directing the petitioner to appear for an enquiry before him and the said appeal is pending as on date. Challenging the impugned notice dated 22.09.2016 passed by the 1st respondent, the petitioner is before this Court.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. Learned counsel for the petitioner fairly submits that the petitioner has already appeared for the enquiry before the 1st respondent, but no orders have been passed so far.

6. In view of the above, without expressing any opinion on the merits of the case, this Court directs the 1st respondent/District Revenue Officer, Tiruppur, to pass appropriate orders on the enquiry conducted by him as regards the petitioner herein, in accordance with law, after giving an opportunity of hearing to the parties, as expeditiously as possible.

This Writ Petition is disposed of with the above direction. No costs. Consequently, connected W.M.P.No.36773 of 2016 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To:

1. The District Revenue Officer, Tiruppur.
2. The Revenue Divisional Officer, Tiruppur.
3. The Tahildar, Tiruppur (South), Tiruppur.

+1 cc to Government Pleader sr 72665

W.P.No.42877 of 2016

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