



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2016

CORAM

WEB COPY

THE HONOURABLE **MR. JUSTICE V. BHARATHIDASAN**

W.P(MD) .No.14331 of 2016

and

W.M.P. (MD) .No.10627 of 2016

Pushpanandham

... Petitioner

Vs

1.The Revenue Divisional Officer,
Lalgudy,
Tiruchirappalli district.

2.Ma.Pa.Chandrasekaran

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of certiorari calling for the records culminated in the proceedings No.A3/2011-2016 dated 08.07.2016 on the file of the 1st respondent and quash the same as illegal, unenforceable, ultravires, without authority and without jurisdiction.

For petitioner : Mr.ShankarMurali

For Respondents : Mr.N.S.Karthikeyan
AGP for R-1
Mr.M.R.Sreenivasan for
Mr.R.Nandakumar for R-2

ORDER

Challenging the show-cause notice, issued by the 1st respondent, directing the petitioner to appear for an enquiry, regarding cancellation of patta, this writ petition has been filed.

2. According to the petitioner, he and one R.Padmadevi purchased an extent of 3.97 ares comprised in new S.F.No.74 and other properties situated at Kannanur West Village, Lalgudi Taluk, Tiruchirappalli from Mr.Karuppa Pillai, Ayinan Pillai and Kallu Pillai for a valuable consideration. The land was originally belonged to Sri S.Kannanur Pidari Chellapandiamman temple. Ryewarri patta was subsequently issued to him in the year 1991. Based on the same, the Tahsildar also issued a joint patta in



favour of the petitioner, the said Padmadevi and their vendors. The second respondent, Ex-President of the Village Panchayat, sent a petition to the Chief Minister's Cell, based on the same, the first respondent cancelled the patta, without issuing notice to the petitioner. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the first respondent has no power to conduct enquiry. The first respondent being an appellate authority, he cannot act based on the complaint given by the second respondent, who has no right over the property.

4. The second respondent filed a counter affidavit stating that the land belongs to the temple and the petitioner's vendors were given patta, as a service Inam and the petitioner illegally purchased the said property.

5. Considering the above submissions and the facts and circumstances of the case, this Court is of the view that it is only a notice issued by the first respondent, directing the petitioner to appear for enquiry. In the above circumstances, the petitioner is directed to appear before the first respondent and raise his objection. On filing such objection, the first respondent is directed to consider his objection and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

The Revenue Divisional Officer,
Lalgudy,
Tiruchirappalli district.

+1 cc to M/s.R.Nandhakumar, Advocate in SR.No. 68010

+1 cc to M/s.K.S.Shankar Murali, Advocate in SR.No. 64647

+1 cc to The Special Government Pleader in SR.No. 67936

VS

CSL/SS-2/14.12.2016: 2P/5C

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