



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.14658 of 2016

and

W.M.P (MD) No.10878 of 2016

M.Vincent

: Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai.

4.Amalraj

: Respondents

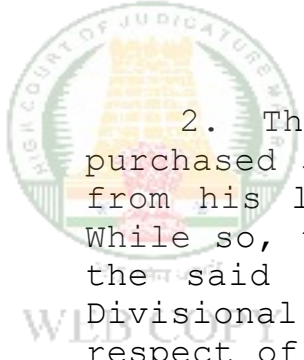
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned enquiry notice issued by the first respondent in his proceedings in Na.Ka.P1/26828/2015, dated 28.07.2016 and quash the same.

For petitioner :Mr.K.N.Govardhanan

For R-1 to R-3 :Mr.J.Gunaseelan Muthiah,
Government Advocate

O R D E R

The petitioner has come to this Court challenging the impugned notice issued by the District Collector, Sivagangai, in Na.Ka.P1/26828/2015, dated 28.07.2016, calling upon the petitioner and the fourth respondent to take part in an enquiry with regard to change of patta in respect of the land covered by S.Nos.291/1A, 291/1B, 291/1C1, 397/1A, 397/1B1, 397/1B2, 397/2A1 and 397/2A2, Sivagangai District.



2. The case of the petitioner is that he and his wife purchased 5/6th share of the properties of one late.Mr.Kulandaisamy from his legal heirs and patta was also changed to that effect. While so, the fourth respondent, who is one of the legal heirs of the said Kulandaisamy, preferred an Appeal before the Revenue Divisional Officer, Sivagangai, with regard to change of patta in respect of the lands in question. The said Appeal was also allowed by the third respondent, without giving an opportunity of hearing to the petitioner. Aggrieved by the said order, the wife of the petitioner preferred a Revision Petition before the second respondent/District Revenue Officer, Sigagangai, in which, after a detailed enquiry, the second respondent passed an order in Pa.Mu.P1/26364/2013, dated 04.07.2014, setting aside the order passed by the third respondent and ordering to restore the revenue records in the previous position, on the ground that the subject matter in issue is pending before the High Court in A.S.No.126 of 2013. Aggrieved by the same, the fourth respondent has made a representation before the District Collector, Sivagangai. After entertaining such representation, the District Collector has issued the impugned notice, summoning the petitioner and the fourth respondent to take part in the enquiry. Hence, the petitioner has come to this Court, challenging the said enquiry notice.

3. The learned counsel for the petitioner would contend that since the first appeal filed by the fourth respondent in A.S.No.126 of 2013 has not been disposed of till date, no purpose would be served by holding an enquiry by the District Collector. Therefore, the same is liable to be set aside.

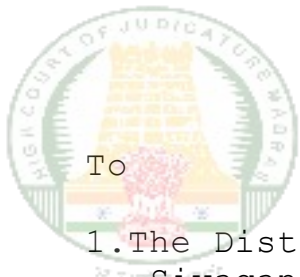
4. In reply, the learned Government Advocate appearing for respondent Nos.1 to 3, would submit that, based on the representation made by the fourth respondent, initially, notice was issued by the District Collector, Sivagangai, inviting both the parties to appear for enquiry. Subsequently, on verification of records, it was found that there is a first appeal pending before the High Court relating to the subject matter in issue and therefore, the District Collector, decided to close the enquiry.

5. In view of the submission made by the learned Government Advocate that the enquiry is going to be closed, nothing survives in this Writ Petition. Hence, recording the submission made by the learned Government Advocate, this Writ Petition is dismissed as infructuous. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

/True copy/



To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai.

+1cc to special Government Pleader SR.No.44136/16

pm

sm:KP:26/08/2016:3P/5C

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