



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.19577 of 2016
and W.M.P. (MD) No.14166 of 2016

Kaliammal

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram,
Ramanadu District.

2.The District Revenue Officer,
Ramanathapuram,
Ramanadu District.

3.Selvakumaran

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings of the 2nd respondent in Na.Ka.B5/66353/2015 dated 19.09.2015 and to quash the same.

For Petitioner

: Mr.A.Arun Prasad

For Respondents 1 & 2

: Mr.N.S.Karthikeyan

Additional Government Pleader

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 & 2.

2.By consent, the Writ Petition itself is taken up for final disposal.

3.The petitioner challenges the notice issued by the second respondent calling the petitioner for enquiry on 30.06.2016.

4.According to learned counsel for petitioner, a civil suit in O.S.No.6 of 2016 is pending before the District Court, Ramanathapuram regarding the property in question. Hence, the 2nd respondent has no power to issue the notice. In support of his



submission, he relied on the decision of this Court in **Vishwas Footwear Company Ltd. v. District Collector [(2012) 1 MLJ 566]**.

5.The impugned notice only asked the petitioner to appear for enquiry before the 2nd respondent on 30.09.2016 at 3.00 p.m. Since it is only a notice calling the petitioner to appear for enquiry and it is stated petitioner also appeared and raised his objection, hence he cannot challenge it now.

6.Accordingly, this Writ Petition is dismissed. However, the second respondent shall consider the objection of the petitioner while passing the order. No Costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Record)

/True Copy/

Sub Assistant Registrar

sj

To

1.The District Collector,
Ramanathapuram,
Ramanadu District.

2.The District Revenue Officer,
Ramanathapuram,
Ramanadu District.

+1cc to Mr.A.Arun Prasad, Advocate Sr.No. 60331

+1cc to Spl.Government Pleader Sr.No. 60693

JAM/07.11.16/GSV-PM/2P-5C

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