



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.17073 of 2013

and

M.P(MD)Nos.1 & 2 of 2013

M.Natarajan

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Thiruvidaimaruthur,
Thanjavur District.

3.Athinakarthar/Hereditary Trustee,
Sri Mahalingaswamy Devasthanam,
Thiruvidaimarudhur Post,
Thanjavur District.

... Respondents

(R - 3 impleaded vide order dated
08.09.2016 in M.P(MD)No.3 of 2013)

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the impugned order, dated 29.08.2011 under reference Oo.Mu.No.7525/2011/Aa4 passed by the second respondent in closing the enquiry proceedings which was conducted for recording the tenancy of the petitioner under cultivating tenancy Act in respect of the property bearing Survey Nos.58/2, 57/1, 58/1, 57/4 situated at Tiruvidaimaruthur Circle, Thanjavur District and quash the same and consequently proceed with further in the enquiry proceedings, and pass final order forthwith.

For Petitioner : Mr.S.Palani Velayutham

For RR 1 & 2 : Mr.V.Muruganandam
Additional Government Pleader

**ORDER**

This Writ Petition is filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the impugned order, dated 29.08.2011 under reference Oo.Mu.No.7525/2011/B4 passed by the second respondent in closing the enquiry proceedings which was conducted for recording the tenancy of the petitioner under cultivating tenancy Act in respect of the property bearing Survey Nos.58/2, 57/1, 58/1, 57/4 situated at Tiruvidaimaruthur Circle, Thanjavur District and quash the same and consequently proceed with further in the enquiry proceedings.

2.The petitioner claims to be a cultivating tenant of the third respondent-Temple property. Subsequently, the petitioner made an application for recording him as a cultivating tenant before the second respondent and the same is pending for a long time and he made an application under the Right to Information Act, seeking particulars about the above proceedings. By an order dated 29.08.2011, the second respondent informed the petitioner that since the petitioner as well as the third respondent failed to appear for enquiry, the matter has been closed. Challenging the same, the present Writ Petition has been filed.

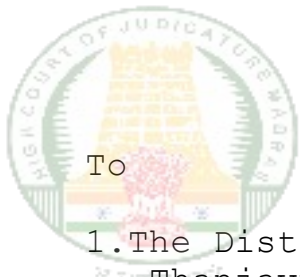
3.The learned Additional Government Pleader appearing for the respondents 1 and 2 submits that since the petitioner as well as the third respondent failed to appear for enquiry, enquiry is still pending and no order is passed so far and in the event of appearance of the petitioner as well as the third respondent, the second respondent will conduct enquiry and pass orders on the same.

4.In the above circumstances, this Writ Petition is closed with a direction to the petitioner as well as the third respondent to appear before the second respondent for enquiry. The second respondent is also directed to issue proper notice to the petitioner as well as the third respondent and conduct enquiry and give opportunity of hearing to the parties and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order. It is also made clear that if the petitioner and the third respondent failed to appear for enquiry, it is open to the second respondent to pass orders on merits and in accordance within law. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(CO)

/True copy/



To

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Thiruvidaimaruthur,
Thanjavur District.

3.Athinakarthar/Hereditary Trustee,
Sri Mahalingaswamy Devasthanam,
Thiruvidaimarudhur Post,
Thanjavur District.

+1 cc to M/s.S.Palani Velayutham, Advocate in SR.No.61305
+1 cc to The Special Government Pleader in SR.No.61054

ps

CSL/GSV-PM/11.11.2016 :3P/6C

**W.P (MD) No.17073 of 2013
and
M.P (MD) Nos.1 & 2 of 2013
17.10.2016**