

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.03.2017

CORAM

THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

WP.No.6711 of 2017
and WMP.No.7251 of 2017

R.Kalaiyarasan

.. Petitioner

Vs

1.The District Revenue Officer,
Perambalur District,
Perambalur.

2.The Revenue Divisional Officer,
Perambalur.

3.The Tahsildar,
Veppanthattai Taluk,
Perambalur District.

4.P.Muthusamy

5.Rajendran

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for a Writ of Certiorari to call for the records relating to the report of the 3rd respondent dated 24.11.2016 made in Na.Ka.E1/8510/2016 and the notice dated 23.01.2017 issued by the 1st respondent in Na.Ka.AA3/15317/16 and to quash the same.

For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.A.N.Thambidurai
Spl. Government Pleader

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O R D E R

This Writ Petition has been filed by the petitioner to quash the report dated 24.11.2016 passed by the 3rd respondent in Na.Ka.E1/8510/2016 and the notice dated 23.01.2017 issued by the 1st respondent in Na.Ka.AA3/15317/16.

2. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents and perused the materials placed on record.

3. It is the contention of the petitioner that he is not challenging the proceedings of the Revenue Divisional Officer

under Section 145 Cr.P.C. The petitioner was directed to appear before the District Revenue Officer on 31.01.2017 on summons dated 23.01.2017. The only grievance of the petitioner is that if the District Revenue Officer conducted the enquiry, the petitioner may lose the opportunity of preferring an appeal. Therefore, the petitioner is before this Court.

4. As rightly pointed out by the Special Government Pleader, if the petitioner is aggrieved against the order of the Revenue Divisional Officer, the petitioner is entitled to prefer an appeal before the District Revenue Officer. Now, the District Revenue Officer is already seized of the matter, the petitioner can raise all the points before the District Revenue Officer. But, it is made clear that insofar as 145 proceedings, it is not questioned by the petitioner in this writ petition and this Court also did not go into the merits of the same.

5. In view of the above, the petitioner is entitled to attend the enquiry before the District Revenue Officer and participate in the proceedings. The District Revenue Officer will enquire into all the parties and pass orders thereof on merits and in accordance with law.

6. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1.The District Revenue Officer,
Perambalur District,
Perambalur.

2.The Revenue Divisional Officer,
Perambalur.

3.The Tahsildar,
Veppanthattai Taluk,
Perambalur District.

+1 cc to mr.C.Prabakaran,advocate,sr.17318
+1 cc to Govt.Pleader,sr.17612

cb(co)
krd 11/4

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