

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2017

CORAM

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

W.P.No.21273 of 2017
& W.M.P.No.22175 of 2017

S.Jayaprakash

.... Petitioner

Vs

1. The District Collector of Villupuram,
Villupuram.
2. The Divisional Deputy Tahsildar,
Taluk Office, Kallakurichi-606 202.
Villupuram District.
3. The Tahsildar, Taluk Office,
Chinnaslaem-606 201.
Villupuram District.
4. The Sub Registrar, Joint-1,
Registration Department,
Kallakurichi-606 202.
5. The Sub Registrar, Joint-1,
Registration Department,
Vadakkanandal-606 207,
Villupuram District.
- 6.Srinivasan
- 7.Radhakrishnan
- 8.Minor Amarnath,
rep., by this father and natural
guardian Radhakrishnan
- 9.Dhanakodi

.... Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of Writ of Mandamus to direct respondents 1 and 2 herein not to proceed with enquiry in pursuance of the notice dated 13.07.2017 made in P.V.A1/40/2017 issued by the second respondent.

For Petitioner : Mr.R.Agilesh
For Respondents : Mr.E.Balamurugan,
Additional Government Pleader
for R1 to R5

O R D E R

Mr.E.Balamurugan, learned Additional Government Pleader, takes notice for respondents 1 to 5. By consent, the main Writ Petition itself is taken up for disposal at the admission stage.

2. The petitioner has filed the above writ petition to issue a writ of mandamus directing respondents 1 and 2 herein not to proceed with enquiry in pursuance of the notice dated 13.07.2017 issued by the second respondent.

3. The learned counsel appearing for the petitioner submitted that the second respondent-the Divisional Deputy Tahsildar, Kallakurichi, Villupuram District, had issued notice dated 13.07.2017 calling upon the petitioner to appear for an enquiry, inspite of knowing about the pendency of the civil suits between the petitioner and the respondents. The learned counsel further submitted that O.S.Nos.43 of 2006 and 227 of 2014 are pending before the Sub Court, Kallakurichi. Therefore, the second respondent should be restrained from proceeding with the enquiry.

4. Mr.E.Balamurugan, learned Additional Government Pleader appearing for respondents 1 to 5, submitted that the second respondent had only issued notice to the petitioner seeking to appear for enquiry and therefore, the petitioner is at liberty to putforth his case before the second respondent and also submit about the pendency of the civil suits.

5. Having regard to the submissions made by the learned counsel on either side, I am of the view that the second respondent had only issued notice calling upon the petitioner to appear for enquiry on 20.07.2017 and he has not passed any order so far. When the suits are pending before the trial Court, the petitioner can very well bring the same to the notice of the second respondent and make his submission in accordance with law. In this circumstance, I do not find any reason to restrain the second respondent from proceeding with the enquiry. At the time of enquiry, the second respondent shall take into consideration the pendency of the Civil Suits between the parties and decide the matter after hearing the petitioner and the private respondents.

With this observation, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

raa

To

1. The District Collector of Villupuram,
Villupuram.
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Registration Department,
Vadakkanandal-606 207,
Villupuram District.

+1 CC to Govt. Pleader sr 57892.

RK(CO)
sp(29/08/2017)

W.P.No.21273 of 2017

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