

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.32233 of 2017
and W.M.P.Nos.35500 and 35501 of 2017

Vallalar Educational, Medical
and Spiritual Science Trust (Regd.No.296/2003
dated 26.05.2003)
rep. by its Managing Trustee
Mr.Dr.P.S.Gopal
S/o P.Subramaniam,
Plot no.164, Prima Garden,
Saaliyapalayam,
Pothampalayam(PO), Chyur (Via),
Avinashi (Tk), Tirupur (DT)
South India PIN 638 460

.. Petitioner

Vs.

1. The Secretary to the Government of
Tamil Nadu,
Revenue Department,
Saint Fort George,
Secretariat,
Chennai -9.
2. The District Collector,
Tirupur Taluk,
Tirupur District.
3. The Sub-Collector,
Tiruppur,
Tiruppur District.
4. The Thasildhar,
Tirupur North,
Tirupur District.
5. The Village Administrative Officer,
Neruperichal Village,
Tirupur,
Tirupur District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records in Na.Ka.3389/2017/A5 dated 07.11.2017 on the file of the 3rd respondent and to quash the same and consequently direct the 3rd respondent to pass an order of the deletion of the conditional assignment.

For Petitioner : Mr.N.Ganesh Murthy

For Respondents : Mr.R.Govindasamy
Special Government Pleader.

O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved against the proceedings of the 3rd respondent dated 07.11.2017 which is nothing but a notice issued to the petitioner to appear for an enquiry on 13.11.2017.

3. In the said enquiry notice, it is stated that the person in whose favour assignment was made in respect of the property has sold the land to the petitioner by violating the terms of such assignment. Therefore, it is for the petitioner to appear before the 3rd respondent and give proper explanation as to how such contention made in the impugned proceedings, which is nothing but a notice, are factually wrong. In any event, as the present Writ petition is filed challenging the said notice, this Court is not inclined to interfere with the same, however by granting liberty to the petitioner to agitate the matter before the 3rd respondent by filing appropriate objection/explanation.

4. It is stated by the learned counsel for the petitioner that already objections have been filed and the 3rd respondent has not passed any order so far. Needless to say that the 3rd respondent, after considering the objections filed by the petitioner and also considering all the relevant records will pass appropriate orders on merits and in accordance with law also after giving due opportunity of personal hearing to the petitioner. Such exercise shall be done by the 3rd respondent within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. Till an order is passed by the 3rd respondent, the status quo as on today shall be maintained by both the parties. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary
Government of Tamilnadu,
Revenue Department,
Saint Fort George, Secretariat, Chennai -9.
2. The District Collector,
Tirupur Taluk, Tirupur District.
3. The Sub-Collector,
Tiruppur, Tiruppur District.
4. The Thasildhar,
Tirupur North, Tirupur District.
5. The Village Administrative Officer,
Neruperichal Village, Tirupur, Tirupur District.

+1cc to Mr.N.Ganesh Murthy, Advocate SR.No.88302/17

+1cc to Government Pleader SR.No.88535/17

+2cc to Mr.N.Ganesh Murthy, Advocate Sr.No.88302/17 (15.12.2017)

sm:13.12.2017

सत्यमेव जयते

W.P.No.32233 of 2017

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