

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.12.2017

CORAM

THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.32573 of 2017
and W.M.P.No.35898 of 2017

S.Viswanathan

... Petitioner

vs.

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai - 606 601
2. The Revenue Divisional Officer,
Cheyyar - 604 407
Thiruvannamalai District.
3. The Tahsildar,
Vandavasi Taluk,
Vandavasi,
Tiruvannamalai District.
4. The Assistant Commissioner,
HR & CE Department,
Tiruvannamalai,
Tiruvannamalai District.
5. E.Subramani.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the 1st respondent from conducting enquiry in persons of M/2/19319/2017 dated 16.12.2017 and making entry in the patta passbook relating to the lands belong to the petitioner Samudayam comprised in S.No.181, Keelkodungalur Village, Vandavasi Taluk, Tiruvannamalai District, contrary to the provisions of the Tamilnadu Patta Passbook Act 1983 (Act 4 of 1986) and against the order dated 26.08.2009 passed by this Court in w.P.No.18489 of 2009.

For Petitioner : Mr.P.Mani

For Respondents : Mr.P.Senthilvel,

Government Advocate for R1 to R3

Mr.M.Maharaja,
Special Government Pleader for R4

O R D E R

Mr.P.Senthilvel, learned Government Advocate takes notice for 1st to 3rd respondents and Mr.M.Maharaja, learned Special Government Pleader takes notice for the 4th respondent. By consent of the parties, the main writ petition itself is taken up for final disposal.

2. This Writ petition is filed challenging the proceedings dated 06.12.2017 which is nothing but a notice calling upon the petitioner to appear for enquiry on 08.12.2017 to conduct the enquiry in order to dispose of the representation filed by the 5th respondent herein, as directed by this Court in W.P.No.17965 of 2017 dated 17.07.2017.

3. Mr.P.Mani, learned counsel appearing for the petitioner submitted that the said order made in W.P.No.17965/2017 was passed without notice to the 9th respondent Association in which the petitioner is a member. He further contended that the District Collector has no jurisdiction to consider the issue and therefore, the present impugned notice is not sustainable.

4. I do not think that the learned counsel for the petitioner is justified in making the above contentions, especially, when the order made in W.P.No.17965/2017 is still in force or not modified or set aside in a manner known to law. When this Court has specifically directed the respondents 1 to 3 therein, the petitioner herein is not entitled to contend that the District Collector is not having jurisdiction to enquire into the matter. Therefore, I find that the present writ petition is not maintainable and accordingly, the same is dismissed without expressing any view on the merits of the matter. However, it is open to the petitioner to work out the remedy as against the order already passed in W.P.No.17965 of 2017 dated 17.07.2017 in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

vsi

To

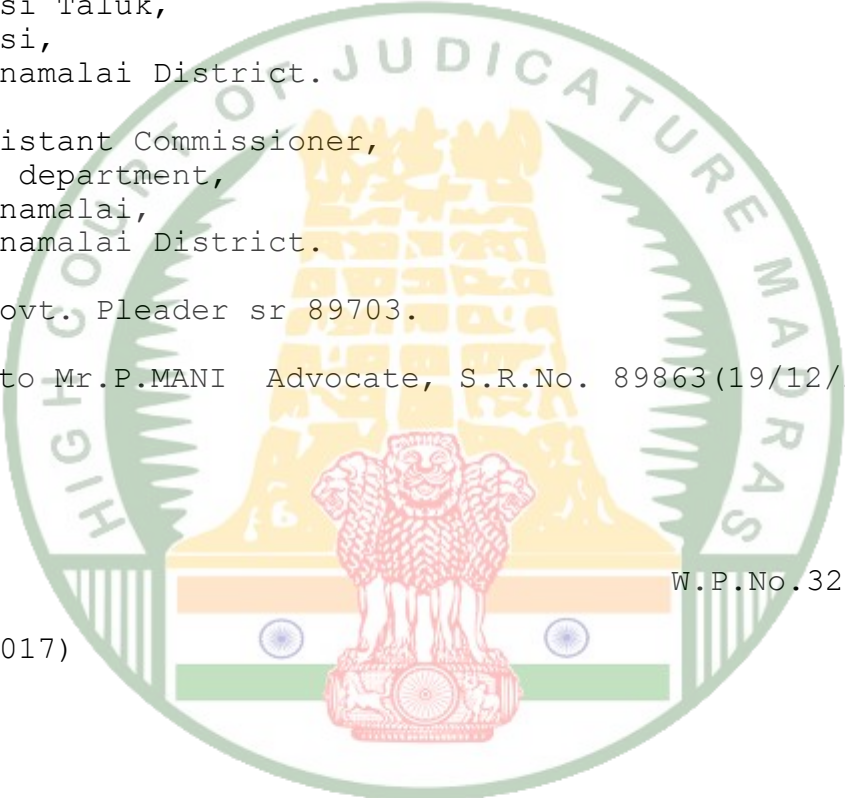
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Tiruvannamalai,
Tiruvannamalai District.

+1 CC to Govt. Pleader sr 89703.

+1cc to Mr.P.MANI Advocate, S.R.No. 89863(19/12/2017)

SP(19/12/2017)

W.P.No.32573 of 2017



सत्यमेव जयते

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