

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.33135 of 2017
and
WMP No.36540 of 2017

K.S.Arun

[PETITIONER]

Vs

1.The Special Thasildar,
Town Settlement Officer,
Tambaram.

2.S.Mohanarangan

3.R.Shylaja

4.B.Ramavathi

5.Saikalavathi

6.M.Gowthami

7.S.Sumathi

[RESPONDENTS]

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus forbearing the first respondent from proceeding further with the enquiry contemplated under the notice in Na.Ka.126/2017/A dated 23.11.2017.

For Petitioner : Mr.Anitha P.Jason
For Respondents : Mr.R.Govindasamy for R1
Special Government Pleader

O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the first respondent. By consent, the writ petition is taken up for final disposal. Since the writ petition is being disposed of without affecting the interest of the private parties, notice to them is dispensed with.

2.The petitioner is aggrieved against the proceedings of the first respondent dated 23.11.2017, which is nothing but a pure and simple notice, calling upon the petitioner to appear for an enquiry in respect of patta proceedings based on a representation given by one MohanaRangan, who is shown as the second respondent herein.

3.According to the petitioner, the said person, viz., the second respondent is not entitled to make any claim before the first respondent for cancellation of patta already standing in the name of the petitioner, having given an undertaking in a Memo of compromise in O.S.No.52 of 2013 on the file of the District Munsif Court, Tambaram, that he will not make any further claim in respect of the property which, according to the petitioner, is the subject matter herein. Hence, it is contended that based on such claim, the first respondent is not justified in issuing the impugned notice. I do not think that all these contentions can be raised by the petitioner before this Court by filing this writ petition, more particularly, what is issued by the first respondent is only a notice of enquiry. Therefore, it is open to the petitioner to appear before the first respondent and place all the relevant material documents in his possession so that the first respondent will be in a position to arrive at a just and proper conclusion. Accordingly, this writ petition is disposed of, without expressing any view on the claim made by the petitioner, however, by granting liberty to the petitioner to appear before the first respondent and participate in the enquiry. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vri

To

The Special Thasildar,
Town Settlement Officer,
Tambaram.

+1cc to Mr.Anita P Jason, Advocate SR.NO.91935

+1cc to Government Pleader SR.No.92125

W.P.No.33135 of 2017

sm:29.12.2017