

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.6622 of 2013 and
M.P.No.1 of 2013

T.J.Govindarajan

..Petitioner

Vs

1. The Revenue Divisional Officer,
Ponneri, Trivellore District.

2. The Tahsildar,
Gummudipoondi Taluk,
Trivellore District.

3. M.K.Babu

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the first respondent from in any manner proceeding with the Patta Cancellation/Transfer of Patta proceedings in Na.Ka.No.6453/2012/A3 dated 03.12.2012 and 21.01.2013 in respect of Patta bearing No.856 for the lands comprised in Survey No.303/8B2 measuring 9 Ares situate at Kil Mudalambedu Village, Gummidipoondi Taluk, Thiruvallur District, till the final adjudication of the Civil Suit in O.S.No.186/2012 on the file of District Munsif Court, Ponneri.

For Petitioner : Mr.K.S.Arumugam

For Respondents: Mr.K.Bhuvaneswari, for R1 & R2

For Respondent : Mr.G.Ethirasulu, for R3

O R D E R

The notice for enquiry issued by the first respondent in proceedings dated 03.12.2012 and 21.01.2013, are under challenge in this writ petition.

2.On a perusal of the notice impugned dated 03.12.2012 it is unambiguous that in respect of the wrong issuance of Patta, an enquiry was sought to be conducted by the Revenue Divisional Officer, Ponneri on 17.12.2012 at about 11.00am. The first

respondent directed the writ petitioner to participate in the enquiry and produce all the original documents in person or through counsel.

3.At the outset, the order impugned dated 03.12.2012 is only an enquiry notice. The next impugned order dated 21.01.2013 states that the further enquiry was scheduled to be held on 04.02.2013 at about 11.00am. Once again the first respondent directed the writ petitioner to submit the original documents in person or through counsel.

4.Instead of submitting the relevant documents in person or through counsel the writ petitioner has moved this writ petition under Article 226 of the Constitution of India.

5.The writ petition against a notice for enquiry cannot be entertained in a routine manner and such notice can be entertained only on exceptional circumstances. Notice was issued to the writ petitioner, in order to provide an opportunity to explain his case by producing the relevant original documents to prove his rights. Instead of producing the same, the writ petitioner has chosen to move this Court. The title regarding the property or the merits of the case cannot be adjudicated by this Court in this writ petition. The property rights are to be adjudicated by the Civil Courts in the manner known to law and the writ petition cannot be a remedy for the writ petitioner.

6.This apart, the notice under challenge in this writ petition is just an opportunity provided to the writ petitioner. Even under the provisions of the Patta Pass Book Act, 1983 an appeal remedy against the order passed by the Tahsildar is provided. In the case on hand, there is no final order passed in respect of the rights of the parties. Thus, the writ petition cannot be entertained at this point of time as the same is premature.

7.Accordingly, the writ petition stands dismissed. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

msm

To

1. The Revenue Divisional Officer,
Ponneri, Trivellore District.

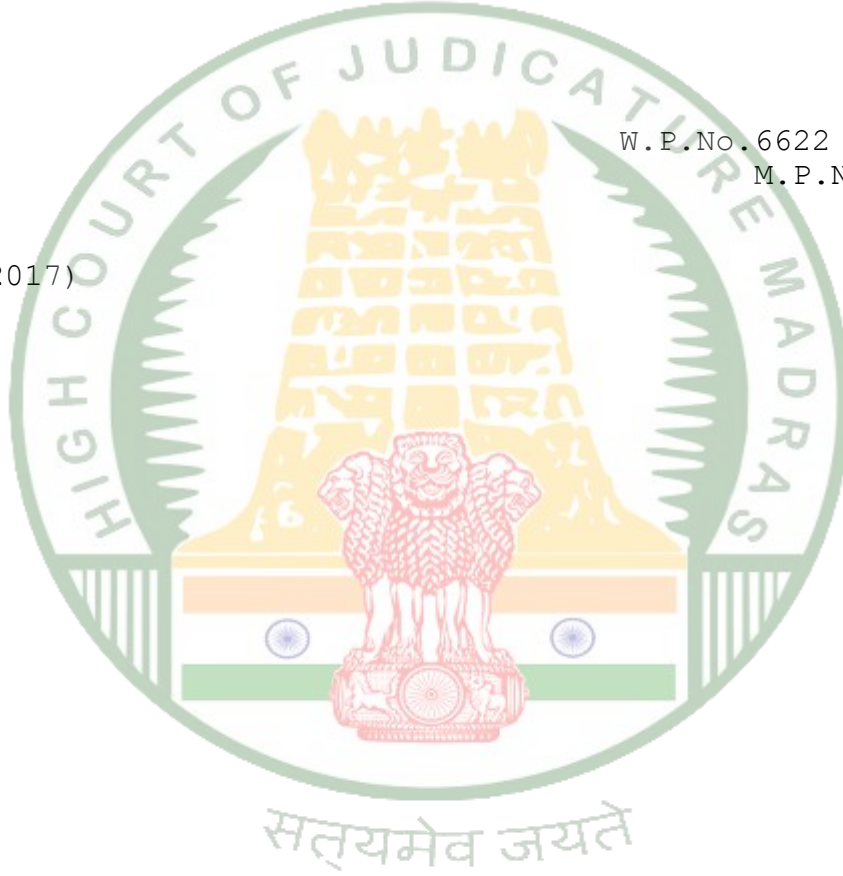
2. The Tahsildar,
Gummudipoondi Taluk,
Trivellore District.

+1 CC to Mr.K.S. Arumugam, Advocate sr 7192.

+1 Cc to Govt. Pleader sr 73407.

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GJ(CO)
SP(07/11/2017)



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