

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 29.11.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.1167 of 2017

Pandian

... Petitioner

Vs.

1. The District Collector
Trichy,
Trichy District.

2. The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Musiri, Trichy District.

3. Ravichandran

4. Porselvi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to complete the enquiry after affording sufficient opportunity to both the parties and to pass order pursuant to the enquiry notice of the second respondent in his proceedings Na.Ka. A3/5423/2015 dated NIL.11.2015.

For Petitioner : Mr.N.R.Balaji

For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate - for R1 & R2

ORDER

This Writ petition has been filed seeking a Writ of Mandamus to direct the second respondent to complete the enquiry after affording sufficient opportunity to both the parties and to pass order pursuant to the enquiry notice of the second respondent in his proceedings Na.Ka. A3/5423/2015 dated NIL.11.2015.

2. By consent, this Writ Petition itself is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Heard, the learned Counsel appearing for the



petitioner and the learned Government Advocate appearing for the respondents 1 and 2. Notice to the respondents 3 and 4 is dispensed with, as no adverse order is going to be passed against them.

4. According to the petitioner, the respondents 3 and 4 are having the land in patta Nos.1045, 1499 and 1500 measuring an extent of 5.57.70 hectares and the petitioner is the cultivating tenant, by executing a tenancy agreement. The grievance of the petitioner is that the third respondent is insisting the petitioner to hand over the possession of the said land. However, he refused to do so and filed an application before the second respondent under Section 145 of Cr.P.C., which is said to be pending after issuance of enquiry notices. Therefore, the petitioner is before this Court, for the aforesaid relief.

5. Considering the facts and circumstances of the case and also considering the limited scope of the relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the petitioner's claim, directs the second respondent, to complete the enquiry and dispose of the same, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner, respondents 3 and 4 as well as other interested parties, if any.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector
Trichy, Trichy District.
2. The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Musiri, Trichy District.

+ 1 cc TO Mr.N.R.Balaji , Advocate in SR No. 90206
+ 1 cc TO The Special Government Pleader in SR No. 90581

rm
AE/MR KKR/SAR1/19.12.2017/2P/5C