

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.14028 of 2017

ORDER:

Heard Smt.N.Shoba for petitioner and the learned Assistant Government Pleaders for Revenue and Mines and Geology.

The petitioner challenges show-cause notice dated 02.07.2016 in the instant writ petition as illegal and without jurisdiction.

On 19.04.2017, this Court has granted interim suspension of impugned notice for limited period and the interim order is extended till 21.07.2017.

The respondents filed W.V.M.P.No.2559 of 2017 seeking vacation of the interim order dated 19.04.2017.

In the counter affidavit filed by 4th respondent, various aspects relating to the classification of Sy.No.788, the circumstances under which the notice is issued and how the jurisdiction of the 3rd respondent is attracted are stated.

The petitioner has filed reply and tried to explain how the notice impugned in the writ petition suffers from lack of jurisdiction and cannot and could not be allowed to be proceeded with.

This Court, after perusing the show-cause notice dated 02.07.2016, at this stage of the matter, is *prima facie* satisfied that this Court need not go into the merits canvassed by both the parties for the show-cause notice was issued to forward report to

the Chief Commissioner of Land Administration (for short 'CCLA') for correcting the alleged errors in RSR etc.

From the above, it is clear that the 3rd respondent has given opportunity to the petitioner to participate in the preliminary enquiry, which is conducted by 3rd respondent in the matter of classification or issuing pattadar passbooks under the Act.

The petitioner raises preliminary objections and also objections on the merits against the grounds raised in the show-cause notice, dated 02.07.2016. The purpose of issuing show-cause notice, in the considered view of this Court, is to afford opportunity to petitioner to participate in the preliminary enquiry proposed to be conducted either on the classification of Sy.No.788 or issuing pattadar passbooks by the respondents allegedly in Government land.

Without expressing any view on merits and having regard to the objections raised by the petitioner against the notice impugned in the writ petition, this Court considers it appropriate to dispose of the writ petition by this order :

(a) The petitioner is given six weeks time from today to file objections on the maintainability of proceeding before the 3rd respondent or CCLA, and also on the over all merits of petitioner's case.

(b) The 3rd respondent conducts enquiry into the classification issue of Sy.No.788 or issue of

pattadar passbooks/title deeds and affords opportunity to petitioner before forwarding a report to the Commissioner of Survey and Land Records.

(c) The Commissioner of Survey and Land Records, if considers necessary to take note of the report and proceed further in the matter, it is reiterated that the petitioner is given a copy of report of the 3rd respondent, objections from petitioner are received and orders passed in accordance with law.

(d) The objections going to the root of the matter on the jurisdiction of either the 3rd respondent/CCLA or the Commissioner of Survey and Land Records, are adverted to and conclusions are recorded by the authorities.

With the above directions, the writ petition is disposed of.

No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 12-07-2017
Prv