

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2018
CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.7100 of 2018
and
WMP.No.8801 of 2018

1. P.Subramani
S/o.Palanigounder

2. S.Selvam
S/o.Subramani

3. Palaniammal
W/o.Subramanian ... Petitioners

Vs.

1.The Revenue Divisional Officer
Office of Divisional Office
Sankari Taluk, Sankari, Salem District.

2.Perumal
S/o.Sukkan

3.Kuppan
S/o.Kandan ... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondent from canceling Pattas issued in favour of the petitioners property in Survey Nos.25/7, 8, 9, Modikadu, Kasthuripatty Village, Sankari Taluk, Salem District on the basis of the respondent's notice in Na.Ka.No.317/2018(P) dated 27.02.2018, by considering the petitioner's detailed representation dated 19.02.2018, 09.03.2018 & 12.03.2018.

For Petitioners : Mr.R.Marudhachalamurthy
For Respondents : Ms.S.Ramya Revathy
Government Advocate for R1.

O R D E R

Ms.S.Ramya Revathy, learned Government Advocate takes notice for the first respondent. Since this writ petition is being disposed of, without affecting the interest of the respondents 2 and 3, notice to those respondents is dispensed with.

2. The petitioners seek for a mandamus forbearing the first respondent from cancelling Pattas issued in favour of the petitioners in respect of the subject matter property in pursuant to a notice issued on 27.02.2018.

3. Heard the learned counsel for the petitioners and the learned Government Advocate for the first respondent.

4. In my considered view, the very prayer sought for in this writ petition is totally misconceived in view of the fact that the first respondent has not passed any order on merits so far and that the matter is still pending in the enquiry stage, after issuing notice to the petitioners and that the petitioners have also filed their objections. Needless to say that the first respondent will consider the objections raised by the petitioners and pass appropriate orders on merits and in accordance with law, after giving due opportunity of hearing to them. When such course is available and yet to be completed, the petitioners cannot seek the present relief, which, in my considered view is pre-emptive in nature. Such relief cannot be granted, as it would amount to preventing the first respondent from passing an order on merits.

5. Accordingly, this writ petition is disposed of, without expressing any view on the merits of the matter, only with a direction to the first respondent to consider the objections raised by the petitioners and pass orders on the same on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते Sub Assistant Registrarmk

To

The Revenue Divisional Officer
Office of Divisional Office
Sankari Taluk, Sankari, Salem District.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.24368
+1cc to the Government Pleader, S.R.No.23962

W.P.No.7100 of 2018

MR(CO)
RRK(19/04/2018)