

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11386 of 2017
and
W.M.P.No.12340 of 2017

Mrs.Vijila

.... Petitioner

Versus

1.The Sub Registrar,
Seliyur,
No.36, BharathaMatha Street,
East Tambaram,
Chennai - 600 059.

2.The District Revenue Officer,
Kanchipuram,
Kancheepuram District.

3.Mr.Gandhi
(R3 - Suo motu impleaded as per order dated
05.05.2017 in W.M.P.No.12340 of 2017
in W.P.No.11386/2017)

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 1st respondent with a direction not to register any sale deed pertaining to the property until disposal of 2nd respondent proceeding in Na.Ka.No.28826/2016/N3 dated 10.1.2017 for modification / change in the wrong entries in Patta pertaining to the properties situated at S.No.271/1 & 273, Plot No.1, to an extent of 4063 sq.ft and Plot No.6 to an extent of 2240 sq.ft, No.176, Vengaivasal Village, Tambaram Taluk, Kancheepuram.

For Petitioner

:: Mr.M.Anandaraaj

For Respondents

:: Mr.P.P.Purushothaman, GA for R1
Mr.R.S.Selvam, GA for R2
Mr.K.H.Ravikumar for R3

O R D E R

The Enquiry Notice issued by the 2nd respondent in proceedings dated 10.01.2017 is under challenge in this writ petition.

2.The impugned Enquiry Notice, which is enclosed in Page No.37 of the typed set of papers filed along with the writ petition reveals that in respect of certain erroneous entries in revenue records, complaints were received and accordingly, the 2nd Respondent directed the writ petitioner to appear for an enquiry along with the documents. Instead of participating in the enquiry to be conducted by the 2nd respondent, the writ petitioner has chosen to prefer the present writ petition on the ground that the enquiry notice itself is untenable.

3.The learned counsel for the third respondent states that on account of the earlier writ petition filed by the writ petitioner in W.P.No.34501 of 2015 and pursuant to the directions issued by this Court to consider the claim of the writ petitioner, an enquiry was ordered and accordingly, the 2nd respondent sent call letter to all the parties to participate in the enquiry proceedings.

4.The learned counsel for the 3rd respondent states that the 3rd respondent appeared in the enquiry and submitted his documents.

5.Thus, this Court is of an opinion that no writ proceedings can be entertained against the notice for an enquiry in a routine manner and the judicial review in this regard is certainly limited. No writ petition is maintainable against such enquiry notices and a writ petition can be entertained, if it is established that such enquiry notices are issued without any jurisdiction or competency or if an allegation of mala fides are raised or if the same is in violation of the statutory rules in force. Even in case of raising an allegation of mala fides, the authority against whom such an allegation is to be raised to be impleaded as a party respondent in his personal capacity in the writ proceedings. In the absence of any one of the legal grounds cited supra, no writ petition can be entertained against such enquiry notices.

6.Intermittent Intervention in such enquiries are to be entertained cautiously. The authorities, on commencement of enquiry, shall be allowed to conclude the same and such enquiries must reach its logical conclusion. The parties filing writ petitions in order to prolong and protract such officials, can never be encouraged nor be entertained. This being the

principles to be followed, the writ petitioner is at liberty to set out all his grievances and claims before the 2nd respondent at the time of conducting the enquiry and the 2nd respondent shall continue the enquiry by providing reasonable opportunity to all the parties including the petitioner and the 3rd respondent and conclude the same and pass orders on merits and in accordance with law within a reasonable period of time and without causing any undue delay.

7.Thus, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Sub Registrar,
Seliyur,
No.36, BharathaMatha Street,
East Tambaram,
Chennai - 600 059.

2.The District Revenue Officer,
Kanchipuram,
Kancheepuram District.

+1cc to Mr.K.H.Ravi Kumar, Advocate, S.R.No.59649

+1cc to Mr.M.Anandaraj, Advocate, S.R.No.59661

+1cc to the Government Pleader, S.R.No.60600 & 60655

W.P.No.11386 of 2017

GSP(10/09/2018)

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