



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2018

CORAM:

WEB COPY

**THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

W.A[MD].No.565 of 2018

in

W.P. (MD) No.3134 of 2013

K.Saravanakumar : Appellant

Vs.

1.Revenue Divisional Officer,
Sivakasi.

2.B.Radhakrishnan

3.B.Amirthalingam : Respondents

PRAYER: Appeal is filed under Clause 15 of Letters Patent Act, to set aside the order of the learned single Judge of this Court, dated 02.04.2013 in W.P. (MD) No.3134 of 2013.

Prayer in WP (MD) . 3134/ 2013 :

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records relating to the proceedings in Na.Ka./A1/3194/12 dated 01.11.2012 on the file of the Revenue Divisional office, Sivakasi, the respondent no.1 and quash the same.

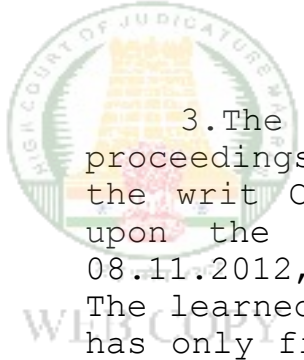
For Appellant	: Mr.A.Saravanan
For R1	: Mr.D.Muruganantham Additional Government Pleader
For R2	: No Appearance

JUDGEMENT

[Judgement of the Court was delivered by **K.RAVICHANDRABAABU, J**]

This writ appeal is directed against the order passed in W.P. (MD) No.3134 of 2013, dated 02.04.2013.

2. We have heard the learned counsel appearing for the appellant and the learned Additional Government Pleader appearing for the first respondent.



3.The appellant is the writ petitioner. He challenged the proceedings, dated 01.11.2012, of the first respondent herein before the writ Court, which is nothing but a notice of enquiry calling upon the petitioner to appear before the first respondent on 08.11.2012, to conduct an enquiry in respect of a patta proceedings. The learned Judge after noticing the fact that the petitioner herein has only filed a suit for injunction without there being any relief for declaration, dismissed the writ petition by specifically observing that the Revenue Divisional Officer being the appellate authority has to consider the legality and correctness of the patta issued by the Tahsildar under the Patta Pass Book Act and that merely because of the petitioner filed a civil suit, that too, for an injunction, the same cannot be stated as a reason that the Revenue Divisional Officer, has no jurisdiction to take up the matter.

4.Though the learned counsel appearing for the appellant sought to contend before this Court by raising the very same objections raised before the learned single Judge, we are not inclined to accept those contentions, more particularly, when the impugned proceedings is nothing but a notice of enquiry. Needless to state that the appellant, while attending the enquiry could place all the materials before the Revenue Divisional Officer in support of his contention. When such being the factual position, we do not find any reason to interfere with the order of the learned single Judge, who dismissed the writ petition challenging the notice of enquiry. Accordingly, without expressing any view on the merits of the matter, the writ appeal is dismissed, however, by granting liberty to the appellant to agitate the matter before the Revenue Divisional Officer, if the proceedings are still pending before him. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Sivakasi.

+1CC TO M/S.A.R.M.RAMESH, ADVOCATE, SR NO.59607

+1CC TO M/S.A.SARAVANAN, ADVOCATE, SR NO.59850

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.59966

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