



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 26.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

WEB COPY

W.P. (MD) No.6499 of 2018

and

W.M.P. (MD) No.6318 of 2018

A.Arockia Raj

... Petitioner

Vs.

1. The Sub-Collector,
(The Revenue Divisional Officer),
Pudukottai.

2. The Executive Officer,
Pudukottai Devasthanams,
H.R. & C.E. Department, Pudukottai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the proceedings under impugned notice dated 14.03.2018 in Na.Ka.No.Aa 4/1391/2018 on the file of the 1st respondent herein and quash the same.

For Petitioner : Mr.R.R.Thamothar Raj

For R1 : Mrs.J.Padmavathi Devi,
Additional Government PleaderFor R2 : Mr.G.Madhavan
Standing Counsel**ORDER**

This Writ Petition has been filed challenging the notice issued by the first respondent directing the petitioner to appear for enquiry in respect of the appeal filed by the second respondent.

2.The learned counsel for the petitioner submitted that the petitioner has purchased a property in the year 2010, subsequently, patta was also granted in his name. In the mean time, the second respondent temple, claiming right over the property, filed a suit in O.S.Nos.154 to 158 of 2011 and O.S.No.171 of 2011 on the file of the Learned District Munsif, Pudukottai to cancel the sale deed executed in favour of the petitioner and the same was decreed. Challenging the same the petitioner filed an appeal before the learned Principal Sub-Judge, Pudukottai in A.S.Nos.9 to 15 of 2017. In the meantime the second respondent said to have filed an appeal before the first



respondent to cancel the patta. In the said appeal, notice has been issued to the petitioner for enquiry and the same is challenged in this Writ Petition.

3. The order impugned in this writ petition is only the enquiry notice directing the petitioner to appear for enquiry. If at all the petitioner has any grievance, it is always open to him to appear before the first respondent and to raise his objections, and the petitioner cannot file a writ petition for challenging the enquiry notice.

4. In the above circumstances, I find no merit in this writ petition. Hence, this writ petition is dismissed. However, liberty is given to the petitioner to appear before the first respondent and to file his objections. Since the enquiry was posted today (i.e., on 26.03.2018), the first respondent is directed to conduct the enquiry on 09.04.2018 and the petitioner is directed to appear before the first respondent on that date for enquiry and raise his objections and on filing of such objections, the first respondent is directed to consider the same and pass orders on merits and in accordance with law, after affording opportunity to the petitioner, within a period of six weeks thereafter. No costs. Consequently, W.M.P.(MD)No.6318 of 2018 is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The Sub-Collector,
(The Revenue Divisional Officer),
Pudukottai.

+1cc to Mr.G.Madhavan, Advocate Sr.No.57750
+1cc to Spl.Government Pleader Sr.No. 58476
+1cc to Mr.R.R.Thamothar Raj, Advocate Sr.No.57753

TA

VB/SV/MMS/SAR1/03.04.2018/2P/5C

W.P. (MD) No.6499 of 2018
26.03.2018