



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.18978 of 2018

and W.M.P. (MD) No.16813 of 2018

Thaines

... Petitioner

vs.

1.The Revenue Divisional Officer,
Ramanathapuram District.

2.Sepasthiammal

3.Johnpeter

4.Jamesh Manoharan

5.Helen Jenet Marry

6.Jacquelyn Marry

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari calling for the records pertaining to the impugned order of the first respondent in Na.Ka.No.A5/708/2018, dated 04.08.2018 and quash the same as illegal.

For Petitioner : Mr.C.Prithviraj

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader
for R.1

O R D E R

The petitioner is before this Court challenging the show cause notice issued by the first respondent. The case of the petitioner is that the properties comprised in Survey Nos.47/7G and 44/2AB at Nedumaram Village, Thiruvadanai Taluk, Ramanathapuram District belonged to one A.Santhiyagu, who was none other than the grandfather of the petitioner. The petitioner's father died on 01.04.1984 leaving behind his mother and three brothers and two sisters of the petitioner.

2. According to the petitioner, his grandfather maintained the subject properties and died on 02.10.1995 and according to the petitioner, the properties, after the death of his grandfather, vested with the family of the petitioner and according to him, a patta also stood in his name.

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3. While matter stood thus, the petitioner received an enquiry notice from the first respondent, dated 04.08.2018,



directing him to appear for enquiry on 03.09.2018, based upon a representation given by the petitioner's mother, dated 14.12.2017 for change of patta in respect of the said survey numbers. Challenging the said proceedings, the petitioner is before this Court.

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4. From the materials and the pleadings as disclosed in the present proceedings, it appears that there is a dispute between the petitioner and other private respondents who are the relatives of the petitioner in regard to the patta being given to the subject properties. On the basis of the representation given by the petitioner's mother dated 14.12.2017, a show cause notice was issued directing the petitioner to appear for an enquiry on 03.09.2018. Instead of responding to the show cause notice, the petitioner rushed to this Court by invoking its extraordinary jurisdiction under Article 226 of the Constitution of India.

5. According to the learned Counsel for the petitioner, it is not for the revenue officials to decide the title issue between the parties and therefore, the said show cause notice suffers from the vice of illegality. In support of his contention, the learned Counsel cited a decision rendered by the Honourable Division Bench of this Court in W.A.No.553 of 2009, dated 11.08.2011.

6. This Court has no quarrel with the above said decision rendered by the Honourable Division Bench of this Court. The revenue authorities cannot decide the title issue, however, it is always open to the revenue authorities while adjudicating the patta proceedings between the parties, they can always decide the incidental issues and questions in respect of the proceedings pending before them.

7. The submission made by the learned Counsel appearing for the petitioner is completely misconceived and unsustainable both in law and facts. Instead of responding to the show cause notice by giving explanation before the first respondent, the writ jurisdiction of this Court has unnecessarily been invoked by the petitioner. The petitioner can always put forth all his points before the Revenue Divisional Officer.

8. Under these circumstances, this Court is of the considered view that the writ petition is premature and ought to be rejected outright. Therefore, the writ petition is dismissed. Consequently, the connected Miscellaneous Petition is also dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS-I)



To

The Revenue Divisional Officer,
Ramanathapuram District.

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+1 CC To MR.C.PRITHVIRAJ, Advocate SR. NO.81961

+1 CC TO The Special Government Pleader SR.NO. 81657

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31.08.2018

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