

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.3278 of 2019

and

WMP.No.3552 of 2019

T.Rajesh

...Petitioner

Vs.

1. The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

2. The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.

3. The Special Thasildar,
Town and Settlement Officer,
Thiruvannamalai,
Thiruvannamalai District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the 2nd respondent in proceedings No. A3/8251/2018 dated 21/01/2019 and quash the same as illegal, without jurisdiction, against the circular of Commissioner of Land Administration in Ref.No.K3/27160/2008 dated 13/03/2018 and not in accordance with law.

For Petitioner : Mr.Krishnamurthy
for Mr.V.Jaisankar

For Respondents : Mr.B.Anandan
Government Advocate

O R D E R

Mr.B.Anandan, learned Government Advocate takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed against the proceedings dated 21.01.2019, which is nothing but a notice calling upon the petitioner to appear for an enquiry on 24.01.2019 in respect of the proceedings regarding the assignment of House Site Patta.

3. The learned counsel appearing for the petitioner submitted that in view of the circular dated 13.03.2018 issued by the Additional Chief Secretary/Commissioner of Land Administration, Chepauk, Chennai-5, no enquiry can be proceeded by the second respondent, since a Civil Suit is pending between the contesting parties.

4. Needless to say that the impugned proceedings is only a notice and therefore, the petitioner can very well go before the second respondent and place all the materials, since the very reading of the circular dated 13.03.2018 would show that it is for the person who claims that a Civil Suit is pending between the parties has to place those materials before the authority so as enable him to decide as to whether proceed further or to pass any order. Without doing so, the petitioner has filed the present writ petition challenging the very notice of enquiry itself.

5. Therefore, without expressing any view on the merits of the matter, this writ petition is disposed of, by directing the petitioner to participate in the enquiry and place all the materials before the second respondent so as to enable him to take appropriate decisions accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

sni/mk

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Thiruvannamalai,
Thiruvannamalai District.
2. The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.
3. The Special Thasildar,
Town and Settlement Officer,
Thiruvannamalai, Thiruvannamalai District.

+1cc to M/s.V.Jayaprakash Narayanan, Advocate, S.R.No.9688

+1cc to the Government Pleader, S.R.No.10208

W.P.No.3278 of 2019

sj(co)

kak(01/03/2019)