

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:18.10.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.29787 of 2019

and

W.M.P.Nos.29686 and 29687 of 2019

1.B.Nandha Kumar
2.M.Marimuthu
3.K.Gandhi
4.T.Arjunan

... Petitioners

/versus/

1.Pee and Dee Lands Holding Private Limited
Rep.by its Chairman cum Managing Director,
N.Palanisamy, No.82, Cathedral Road,
Gopalpuram, Madra 86.

2.The District Collector,
The Office of the Collectorate,
Chennai, Singaravelar Maaligai,
62, Rajaji Salai,
Chennai 600 001.

3.The District Revenue Officer,
The Office of District Revenue Officer,
Singaravelar Maaligai,
62 Rajaji Salai,
Chennai 600 001.

4.The Tashildar/Executive Magistrate,
Office of Tashildhar, Velachery
Velachery Taluk, Chennai 600 113.

5.Ragini Rajkumar

6.Dr.Usha Viswanath

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to consider the representation dated 16.08.2019 and to transfer the enquiry to some other Tahsildar/Executive Magistrate from the file of the 4th respondent.

For Petitioner :Mr.E.Narayanan

For Respondents :Mr.J.Purushothaman, GA
R2 to R4

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing the 2nd respondent to consider the representation dated 16.08.2019 and to transfer the enquiry to some other Tahsildar/Executive Magistrate from the file of the 4th respondent.

2.Heard Mr.E.Narayanan, learned counsel appearing for the petitioner and Mr.J.Purushothaman, learned Government Advocate takes notice for respondents 2 to 4.

3. Pursuant to the direction of this Court in W.A.Nos.1625 and 1626 of 2016 and W.A.No.915 of 2017, the Tashildar/4th respondent has commenced the enquiry. While so, the petitioner herein has given a letter dated 27.05.2019 seeking for certain documents stating that those documents are necessary for the enquiry. Immediately, alleging that the Tashildar/enquiry officer is unilaterally conducting the enquiry in favour of the 1st respondent and he has not produced the original documents sought in his representation, he has filed this writ petition seeking change of enquiry officer.

4. The facts of the case is that the subject property is the subject matter of the suit in O.S.No.290 of 1883 purchased under Court auction, which was later subjected to Innam Abolition Act, which is challenged by the petitioner before the Civil Court as well as in the writ proceedings. In the writ appeal, this Court has passed an order directing the Tahsildar to conduct fresh enquiry causing notice to all the parties concerned.

5. While so, when the Tashildar is conducting the enquiry pursuant to the direction of this Court, the petitioner has made representation to get some documents, alleging those documents were not furnished, he wants to change the enquiry officer for non-production of the documents.

6. The petitioner has no real grievance. Even if any it has to be agitated after completion of the enquiry. In the interregnum, he cannot interfere with the process of the enquiry initiated by the order of this Court and try to change the enquiry officer alleging bias.

7. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector,
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62 Rajaji Salai,
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3. The Tashildar/Executive Magistrate,
Office of Tashildhar, Velachery
Velachery Taluk, Chennai 600 113.

+1cc to Mr.E.Narayanan, Advocate, S.R.No. 87085

+1cc to the Government Pleader, S.R.No. 87752

W.P.No.29787 of 2019

SSI (CO)
GN(04/11/2019)

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