



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.11.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.29955 of 2019  
& W.M.P.Nos.29862 & 29863 of 2019

A.Bhagavanthu

... Petitioner

/versus/

1. The District Registrar,  
Cuddalore - 607 002.

2. Kuppusami

.... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorari, to call for the records and quash the proceedings of the 1<sup>st</sup> respondent initiated in his Na.Ka.No.2126/Aa1/2019, dated 06.05.2019.

For Petitioner : Mr.R.Gururaj

For R1 : Mr.M.Thamizharasan,  
Government Advocate

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Government Advocate for the 1<sup>st</sup> Respondent.

2. The short point involved in this case is that, a piece of land settled in favour of Thookkanampakkam Panchayat for the purpose of constructing a tank has been taken back by the family of the petitioner herein, after the water tank become unusable and destroyed. According to the petitioner, the property earlier settled in favour of the Panchayat for constructing water tank has reverted back to the petitioner's family and therefore, in the property, they have constructed a house and alienation of the property has also been effected. When the Panchayat or Government are not objecting this, some disgruntled elements inimically to the petitioner are instigating the 1<sup>st</sup> respondent through police to evict them from the place.

3. The petitioner also states that, after receipt of the enquiry notice from the 1<sup>st</sup> respondent, on 06.05.2019, a suit has been initiated before the District Munsif Court, Cuddalore and therefore, matter being seized of by the competent Civil Court and parallel enquiry by the 1<sup>st</sup> respondent cannot be conducted. Hence, the notice issued by the 1<sup>st</sup> respondent to the petitioner to participate in the enquiry is challenged in this Writ Petition.

4. On perusing the affidavit and the submissions made by the petitioner as well as the Learned Government Advocate for the respondents, this Court finds that, a piece of land which was settled in favour of Panchayat has been taken back by the settlor's family represented by the petitioner herein. Hence, the 1<sup>st</sup> respondent has thought fit to enquire about the transactions took place by the erstwhile land owners, after settling the piece of land in favour of the Panchayat for the public purpose. No doubt, after receipt of the notice, the petitioner has filed a suit but in any event the petitioner are duty bound to appear before the 1<sup>st</sup> respondent and explain under what circumstances they have created settlement deeds and holding the property. The issuance of show cause notice cannot be interfered by this Court. If the petitioner is of the opinion that the pendency of the Civil suit prohibits further enquiry by the 1<sup>st</sup> respondent, same shall also be placed before the 1<sup>st</sup> respondent. So that, he can take decision about his jurisdiction and competency to deal the matter. Instead of appearing before the 1<sup>st</sup> respondent and placing before him the necessary documents and records along with their defence including questioning the jurisdiction of the 1<sup>st</sup> respondent, the petitioner herein has approached this Court. Interference by this Court under Section 226 of the Constitution in these sort of matters may have a effect of undermining the powers of 1<sup>st</sup> respondent. Therefore, this Court exercise judicial restrain from interfering the action of the 1<sup>st</sup> respondent. The petitioner can appear before 1<sup>st</sup> respondent and submit all documents and his defence and on receipt of that, the 1<sup>st</sup> respondent shall apply his mind and pass appropriate orders.

5. The Learned Government Advocate appearing for the 1<sup>st</sup> respondent would submit that, when the notice was issued to the petitioner for appearance on 20.05.2019, the petitioner sent a letter expressing its difficulty to appear on that day and sought 10 days time and thereafter, further notice was issued on 14.10.2019 on that day also the petitioner has not appeared before the 1<sup>st</sup> respondent. Therefore, on 04.10.2019, the 1<sup>st</sup> respondent has concluded that, a complaint against the

petitioner prima facie to be true and therefore, decided to proceed against the petitioner and the petitioner was also informed about the decision vide proceedings Na.Ka.2126/Aa1/2019, dated 04.10.2019.

6. Pending Writ Petition, the above decision has been taken by the 1<sup>st</sup> respondent. This Court is of the opinion that the said decision shall be deferred till adequate opportunity given to the petitioner herein. The petitioner is entitled to get one more opportunity to defend his case, in view of his approaching this Court by way of Writ Petition. Therefore, the Writ Petition is disposed with liberty to the petitioner to approach before the 1<sup>st</sup> respondent/District Registrar, Cuddalore and place all his defence. On such explanation, the 1<sup>st</sup> respondent shall apply his mind afresh and pass appropriate orders.

7. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The District Registrar,  
Cuddalore - 607 002.

+1cc to M/s.R.Gururaj, Advocate SR.No.95982  
+1cc to The Government Pleader, SR.No.97058

AKM/3P-4C/

सत्यमेव जयते

W.P.No.29955 of 2019

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