



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No. 6390 of 2019

and

W.M.P. (MD) No. 5095 of 2019

Kamatchi

... Petitioner

Vs

1.The District Collector,
Trichy District,
Trichy.

2.The District Revenue Officer,
Trichy District,
Trichy.

3.The Revenue Divisional Officer,
Lalgudi,
Trichy District.

4.The Tahsildar,
Manachanallur Taluk,
Trichy District.

5.Shanmugasundaram

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the third respondent in his proceedings Moo.Mu.A3/628/2018 dated 07.12.2018 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently forbearing the respondents No.2 and 3 not to pass any patta transfer order pertaining to the property comprised in S.F.No.501/1 situated at Sanamangalam Village, Manachanallur Taluk, Trichy District in favour of the fifth respondent.

For Petitioner

: Mr.S.Karthik

For R1 to R4

<https://hcservices.ecourts.gov.in/hcservices/>

: Mr.M.Karuppasamy

Government Advocate

**ORDER**

Heard the learned counsel appearing for the petitioner and the learned Government Advocate for the respondents 1 to 4.

2. The fifth respondent herein gave an application to the District Revenue Officer, Trichy, for effecting mutation in the revenue records in respect of S.F.No.501/1 in Sanamangalam Village in Manachanallur Taluk, Trichy District. According to the fifth respondent, the property was mistakenly shown in favour of the writ petitioner during UDR. The District Revenue Officer is the authority competent to correct the errors that had occurred during UDR. The District Revenue Officer, Trichy had called upon the third respondent to conduct an enquiry and submit the report. The third respondent has submitted a report dated 07.12.2018 to the second respondent. This report of the third respondent is challenged in this writ petition.

3. The impugned report submitted by the third respondent to the second respondent is only recommendatory in nature. It is not binding on the second respondent. It is open to the second respondent to accept the said report or reject it. Since, what is challenged in this writ petition is only recommendatory in nature, I am of the view that this writ petition is not maintainable.

4. The report of the third respondent can be compared to an enquiry report given in disciplinary proceedings. It is open to the disciplinary authority to accept the enquiry report or dissent from it. Therefore it has been consistently held that an enquiry report cannot be questioned in a writ petition. In the same way, the recommendatory proceeding of the third respondent is not open to challenge. Therefore, this writ petition is dismissed as not maintainable.

5. The learned counsel for the writ petitioner states that the second respondent should hear the writ petitioner before passing final orders.

6. I find the said request to be reasonable. The second respondent will invite representation from the writ petitioner with regard to the contents of the impugned report dated 07.12.2018 and only after duly considering the same pass final orders on the application submitted by the fifth respondent.

7. With this direction, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (Writs)

/True Copy/



To

1. The District Collector,
Trichy District,
Trichy.

2. The District Revenue Officer,
Trichy District,
Trichy.

3. The Revenue Divisional Officer,
Lalgudi,
Trichy District.

4. The Tahsildar,
Manachanallur Taluk,
Trichy District.

+1 CC TO M/S.S.KARTHIK, ADVOCATE SR-55028

+1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No-55293

W.P. (MD) No. 6390 of 2019

and

W.M.P. (MD) No. 5095 of 2019

19.03.2019

pnn

SP/PK/04.04.2019 : 3P/7C