



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.10.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P. (MD) No. 21093 of 2019

R.Vadivel

... Petitioner

/Vs./

1.The District Revenue Officer,
Theni District, Theni.

2.The Revenue Divisional Officer,
Periyakulam,
Theni District.

3.The Tahsildar,
Andipatti Taluk Office,
Andipatti,
Theni District.

4.Pinna devar

... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to cancel the Patta No.5974 issued by the 3rd respondent in the name of the 4th respondent based on the enquiry conducted by the 1st respondent in Na.Ka.No.17766/2017/D4 dated 19.02.2018, consequently direct the 3rd respondent to restore the earlier patta No.2347, 2043 in the petitioner grandfather namely Udaiyar Kudumban bearing Survey No.1541, 1542 and 1543 which is situated in Andipatti pit-2 Village Mekkilar Patti Sub-village, Andipatti Taluk, Theni District.

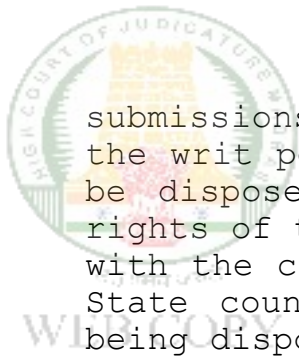
For Petitioner
For R-1 to R-3

: Mr.A.D.Ganeshamoorthi
: Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

Mr.A.D.Ganeshamoorthi, learned counsel on record for writ petitioner and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader, who accepts notice on behalf of respondents 1 to 3 (Official respondents) are before this Court.

2. To be noted, fourth respondent is a private respondent. From the case file placed before this Court and from the submissions made before this Court, more particularly, from narrowed down



submissions in the light of abridged prayer and abridged scope of the writ petition, it comes to light that instant writ petition can be disposed of by passing an order which is not adverse to the rights of the fourth respondent ie., private respondent. Therefore, with the consent of learned counsel for writ petitioner and learned State counsel, main writ petition is taken up, heard out and is being disposed of.

3. Notwithstanding very many averments made in the affidavit filed in support of this writ petition, notwithstanding very many grounds raised / contentions canvassed and urged in the affidavit filed in support of this writ petition, learned counsel for writ petitioner at the hearing, abridged the scope of the writ petition and the scope of the prayer.

4. Learned counsel for writ petitioner submitted that the first respondent District Revenue Officer, Theni (hereinafter referred to as 'jurisdictional DRO' for the sake of brevity) had commenced enquiry on the basis of an order dated 09.01.2017 made by this Court in W.P.(MD)No.13850 of 2011. Hearing notice/summon dated 19.02.2018 bearing Reference Na.Ka.No.17766/2017/D4 was issued by jurisdictional DRO fixing enquiry on 05.03.2018 at 04.00 p.m.. Writ petitioner and fourth respondent appeared before jurisdictional DRO and put forth their respective cases, but, orders have not been passed until this day and it will suffice if there is a direction to the first respondent ie., jurisdictional DRO to complete the enquiry and pass orders is learned counsel's say. To be noted, this is abridged scope of the writ petition and abridged prayer.

5. Learned State counsel, who has accepted notice on behalf of official respondents submits that enquiry notice is of the year 2018 (February 2018) and the enquiry itself was in March, 2018 and therefore, there is every likelihood of the enquiry having been concluded by now, but the same will be concluded expeditiously if not already done is learned State counsel's further say.

6. In the light of the narrative thus far, following order is passed:

(a) first respondent ie., jurisdictional DRO is directed to proceed with and conclude the enquiry pursuant to summons/hearing notice dated 19.02.2018 bearing Reference Na.Ka.No.17766/2017/D4 fixing hearing on 05.03.2018, if not already concluded.

(b) Aforesaid enquiry shall be conducted by first respondent ie., jurisdictional DRO as expeditiously as possible and concluded at the earliest and in any event within twelve (12) weeks from the date of receipt of a copy of this order.



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(c) Though obvious, it is made clear that in the enquiry, fourth respondent (private respondent) shall be put on notice and given reasonable opportunity. To be noted, aforesaid summons/hearing notice has been sent to the fourth respondent also. This Court has noticed that aforesaid summons/hearing notice is one where the writ petitioner as well as fourth respondent are noticees. It is also to be noted that this is a safety valve that is being put in place qua the rights of the fourth respondent (private respondent) as this writ petition is being disposed of at the admission stage.

(d) If the enquiry had already been concluded, first respondent shall serve copies of the outcome of the enquiry or in other words the order under due acknowledgement on writ petitioner and fourth respondent within a fortnight from the date of receipt of copy of this order.

(d) If the enquiry has not been concluded or in other words, if the enquiry is continued and concluded within twelve (12) weeks from the date of receipt of a copy of this order in the aforesaid manner, copy of the conclusion of the enquiry / order passed in the enquiry shall be served on the writ petitioner and the fourth respondent under due acknowledgement within seven (7) working days from the date of conclusion of the enquiry / order.

7. Writ Petition is disposed of with the above directions.
No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Revenue Officer,
Theni District, Theni.

2.The Revenue Divisional Officer,
Periyakulam, Theni District.

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



3.The Tahsildar,
Andipatti Taluk Office, Andipatti,
Theni District.

+1 CC to M/s.A.D. GANESHA MOORTHY, Advocate (SR-90675[F] dated
01/10/2019)

+1 CC to M/s.GP (SR-91182[F] dated 03/10/2019)

W.P. (MD) No. 21093 of 2019
01.10.2019

KK/SAR/21.10.2019/4P-6C/