

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.10.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.13974 of 2020
and WMP No.17359 of 2020

Easwaramoorthy

..Petitioner

Vs.

1. The Revenue Divisional Officer,
RDO Office,
Tiruppur.
2. Revenue Tahsildar,
Taluk Office,
South Zone,
Tiruppur.
3. Subbathal
4. Govindsamy
5. Rathinasamy
6. Vijayaprakash
7. Sulochana

...Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the 1st respondent from proceeding with the inquiry dated 26.08.2019 in Na.Ka.No.1095/2019/A2 based on my representation dated 06.12.2019.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.S.N.Parthasarathy
Government Advocate for
R1 and R2

ORDER

This writ petition has been filed for the issue of writ of Mandamus forbearing the respondents from proceeding further with the enquiry that has been initiated without considering the representation made by the petitioner on 16.12.2019.

2. The case of the petitioner is that he is the owner of the subject property by virtue of a registered sale deed dated 12.06.1994. The further case of the petitioner is that the respondents 3 to 7 seems to have made a representation before the 1st respondent to the effect that they are in possession of a lesser extent of property than what is shown in the revenue records. Based on the representation made by the respondents 3 to 7, the 1st respondent has issued a summon to the petitioner on 16.09.2019. The petitioner has submitted a detailed explanation and has also produced all the documents on 06.12.2019. The apprehension of the petitioner is that the 1st respondent even without considering the explanation given by the petitioner is proceeding to continue with the enquiry and is also enquiring upon the title to the property. According to the petitioner, it is beyond the jurisdiction of the 1st respondent to go into the title to the property and only a competent Civil Court can exercise such a jurisdiction. Therefore, the present writ petition has been filed seeking for appropriate directions.

3. Heard the learned counsel for the petitioner and Mr.S.N.Parthasarathy, learned Government Advocate for respondents 1 and 2.

4. It is seen from records that pursuant to the summons issued by the 1st respondent, the petitioner has given a detailed explanation along with all relevant documents on 06.12.2019. The 1st respondent has also directed the 2nd respondent to conduct a survey and measure the property in accordance with the title documents possessed by both the parties. The proceedings are pending before the 1st respondent. The apprehension of the petitioner is that the 1st respondent will proceed further without considering the explanation given by the petitioner on 06.12.2019.

5. In the considered view of this Court, the petitioner has already submitted the explanation along with all relevant documents. The 1st respondent is also in the process of getting the report from the 2nd respondent after the survey of the property. Thereafter, the 1st respondent has to proceed further strictly in accordance with law after considering the explanation given by the petitioner. It will suffice if this clarity is given in the present writ petition.

6. In view of the above, there shall be a direction to the 1st respondent to give sufficient opportunity to both the parties concerned and also consider the explanation and documents presented before the 1st respondent at the time of enquiry and thereafter, pass a final orders strictly in accordance with law.

7. This writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

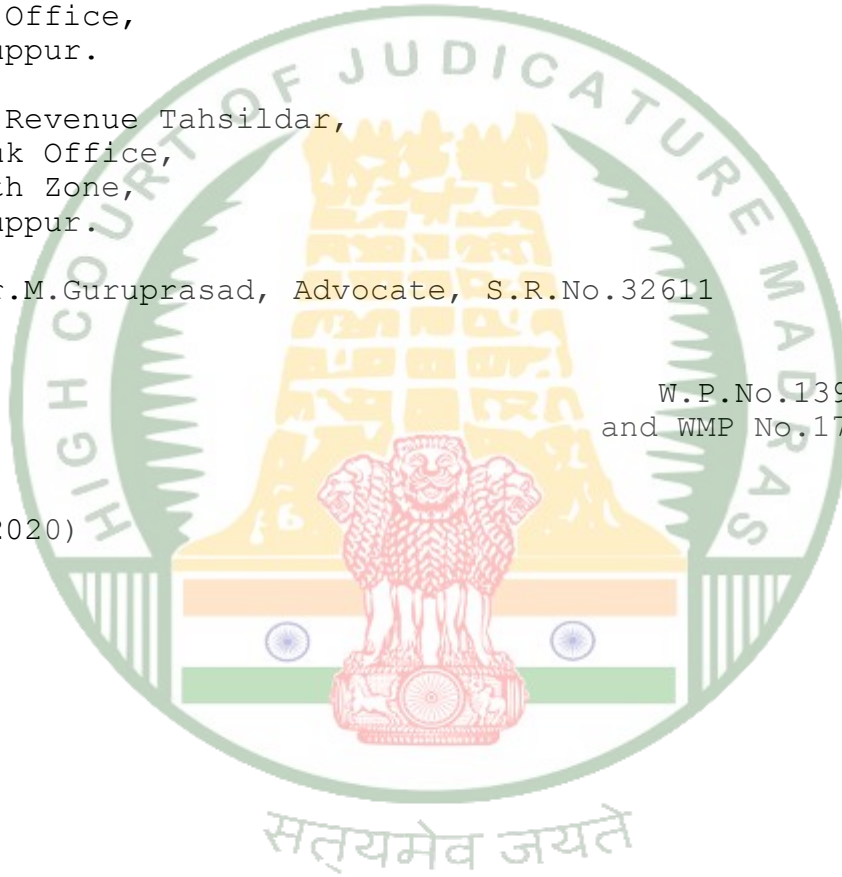
To

1. The Revenue Divisional Officer,
RDO Office,
Tiruppur.
2. The Revenue Tahsildar,
Taluk Office,
South Zone,
Tiruppur.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.32611

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SSI (CO)
RV(20/11/2020)



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