

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.15589 of 2020

and

WMP No.19441 of 2020

Govindasamy Petitioner

Vs.

1 The Revenue Divisional Officer Respondents
Sankagiri, Sankagiri Taluk
Salem District.

2 Kuppusamy

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records in connection with first respondent proceedings in Na. Ka. 2263/ 2019/ C dated 16.08.2019 and Na.Ka. No. 2264/ 2019/ C dated 11.09.2020 and further notices of the 1st respondent herein and quash the same.

For Petitioner : M/s.V.R.Annagandhi

For Respondent-1: Mr.Annai Ezhil
Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned notices issued by the first respondent calling the petitioner for an enquiry, on the Appeal filed by the second respondent.

2. The learned counsel for the petitioner submitted that the first respondent had already issued a notice on 16.08.2019 calling upon the petitioner to appear and the petitioner also appeared at the time of enquiry and gave a detailed written statement narrating all the facts. The learned counsel further submitted that the first respondent did not pass any orders thereafter and yet another notice has now been issued by the first respondent. The learned counsel further submitted that the request was made by the second respondent before the first respondent to the effect that the subject property will have to be partitioned and his share must be allotted. The learned counsel submitted that such an enquiry conducted by the first respondent is beyond the power

and jurisdiction of the first respondent and therefore, the impugned notices issued by the first respondent has been put to challenge in the present Writ Petition.

3. Mr. Annai Ezhil, learned Government Advocate appearing on behalf of the first respondent submitted that the first respondent has called the parties for an enquiry on 23.11.2020 at 11.00 a.m. The learned counsel submitted that whatever may be the objection that has been raised by the petitioner in this Writ Petition, can be made before the first respondent and the first respondent will consider the same in accordance with law.

4. The impugned notices issued by the first respondent to the petitioner reads as if the second respondent wants certain properties to be recovered from the petitioner and handed over to the second respondent. Obviously such a power is not vested with the first respondent. At the best, the first respondent can only go into the issue of grant of patta with respect to the subject property and nothing more. This Court believes that the first respondent will act within the authority vested under the relevant Enactment and the first respondent will not exercise the jurisdiction of a Civil Court.

5. In view of the above, there shall be a direction to the first respondent to proceed further with the enquiry and shall pass final orders strictly in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

-Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar

mra

To

The Revenue Divisional Officer
Sankagiri, Sankagiri Taluk
Salem District.

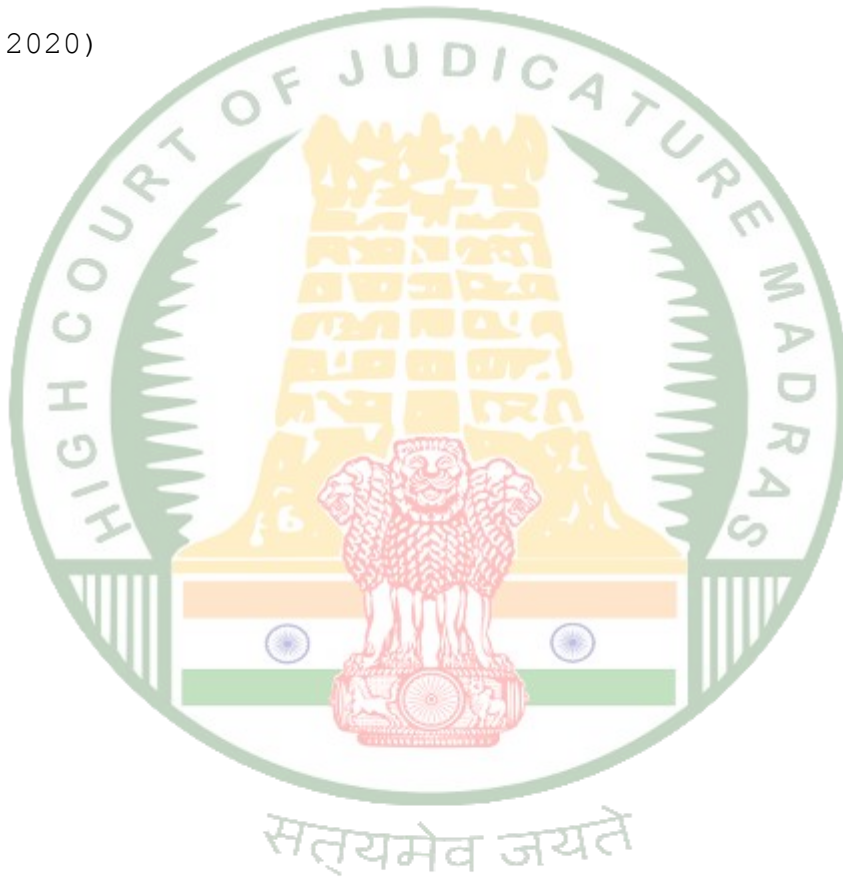
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+1 C.C. to MR.V.ANNAGANDHI Advocate SR.NO.35753

+1 C.C. to The Government Pleader Advocate SR.NO.35884

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AJS (CO)
UM (15.12.2020)



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