



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **30.07.2020**

CORAM

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.14342 of 2011

and

M.P. (MD) No.2 of 2011

WEB COPY

1.M.Sangalimuthu
2.Banumathi

...Petitioners

Vs

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Trichy.

2. The Tahsildar,
Taluk Office,
Trichy.

3. S.Mani

4. Periyasamy

...Respondents

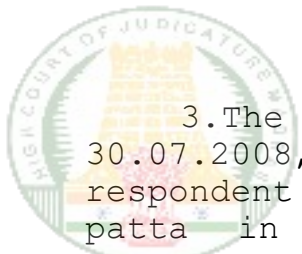
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to quash the show cause notice dated 08.11.2011 passed in Na.Ka.No.A7-4812-2011 by the 1st respondent.

For Petitioners: Mr.R.Devaraj
For R1 & R2 : Mr.V.Anand
Government Advocate
For R3 : Mr.K.Govindarajan
For R4 : No appearance

ORDER

Challenging the show cause notice passed in Na.Ka.No.A7-4812-2011 by the 1st respondent dated 08.11.2011, the present writ petition has been filed.

2.According to the petitioners, in respect of the property in S.Nos.206/1 and 206/3 situated at Guntur Village, Thiruverumbur Taluk, Trichy District, the 2nd respondent, by proceedings dated 22.07.2008, had granted patta as patta No.2425 in favour of the 3rd respondent and as against the order dated 22.07.2008, no appeal has been filed and that therefore, the aforesaid order dated 22.07.2008, had become final.



3.The petitioners, by way of registered sale deed dated 30.07.2008, have purchased the aforesaid property from the 3rd respondent and in respect of the same, the 2nd respondent had granted patta in favour of them. At this juncture, based on the representation of the 4th respondent, the 1st respondent had passed the impugned show cause notice dated 08.11.2011, directing the petitioners and others to appear before the 1st respondent for enquiry on 18.11.2011 along with original documents, regarding the ownership of the aforesaid property. Challenging the same, the petitioners are before this Court.

4.The learned counsel appearing for the petitioners would submit that the 1st respondent is not a competent authority to issue the show cause notice to the petitioners.

5.The learned Government Advocate appearing for the respondents 1 and 2 would submit that the 1st respondent is the competent authority to reconsider the order of the 2nd respondent dated 22.07.2008. He would therefore submit that the impugned show cause notice is valid and proper.

6.Heard the learned counsel on either side.

7.On perusal of the impugned show cause notice dated 08.11.2011, it is seen that without even referring any valid reason or material in the impugned show cause notice, the 1st respondent had simply directed the petitioners to appear for enquiry. Therefore, in the absence of any such material or reason, on a *prima facie* view, this Court is of the opinion that the impugned show cause notice dated 08.11.2011 is unsustainable and the same is liable to be quashed.

8.In the light of the above, the impugned show cause notice dated 08.11.2011, is hereby quashed and accordingly, the Writ Petition stands disposed of with liberty to the 1st respondent to issue fresh show cause notice to the petitioners and other interested parties, if any, directing them to appear for enquiry, by adducing valid reasons. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

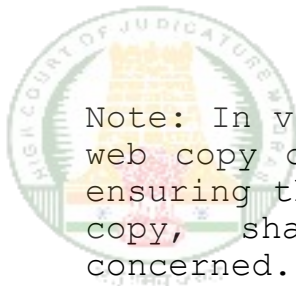
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/ /2020

Sub Assistant Registrar(CS)

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



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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1. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Trichy.
 2. The Tahsildar,
Taluk Office,
Trichy.

+1 CC to M/s.R.DEVARAJ, Advocate (SR-13498[F] dated 03/08/2020)
+1 CC to The Special GP (SR-13462[F] dated 31/07/2020)

W.P. (MD) No.14342 of 2011
30.07.2020

CS (21.08.2020) 3P 5C