



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **30.07.2020**

CORAM

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

W.P. (MD) No.9537 of 2011

and

M.P. (MD) No.1 of 2011

WEB COPY

Regina Kumar

...Petitioner

Vs

1.The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.

2.Abbu Natesan

...Respondents

PRAYER in WP(MD). 9537/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ of Certiorarified Mandamus, calling for the records relating the impugned notice No.A5/1950/2010 dated 19.10.2010 issued by the Ist respondent and quash the same and consequently forbearing the Ist respondent from conducting any enquiry regarding transfer of patta from the name of Vijayakumar to the name of 2nd respondent.

For Petitioner	: Mr.Anwar Sameem for Mr.I.Irulappan
For R1	: Mr.R.Sethuraman Special Government Pleader
For R2	: Mr.T.Lajapathi Roy

ORDER

This writ petition is filed to quash the show cause notice dated 19.10.2010 passed in Notice No.A5/1950/2010 by the 1st respondent and to forbear the 1st respondent from conducting any enquiry regarding transfer of patta from the name of Vijayakumar to the name of the 2nd respondent.

2.The main grievance of the petitioner is that challenging the judgment and decree in O.S.No.58 of 2004 dated 31.10.2006 on the file of the District Court, Kanyakumari at Nagercoil, an appeal in A.S.No.17 of 2007 has been filed before this Court and the same is pending and that therefore, the impugned order cannot be taken into force, till the disposal of the said appeal.

3.In reply, the learned Special Government Pleader appearing for the 1st respondent would submit that the very same appeal has already been disposed of by this Court, in the year 2016 and apart



from that, the petitioner has not raised any other ground to challenge the show cause notice dated 19.10.2010.

4. Heard the learned counsel on either side and perused the records carefully.

5. From the records, it is seen that at the time of admission, no interim order was granted in this writ petition by this Court.

6. In the light of the above, the submission of the petitioner that pending appeal, the impugned show cause notice dated 19.10.2010 cannot be proceeded further, has no legal implication, as the aforesaid appeal had already been disposed of by this Court. Accordingly, the Writ Petition stands dismissed. The petitioner is directed to appear before the 1st respondent for enquiry and make her explanation along with all the relevant documents, within a period of 8 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar (A/C'S)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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.

To

The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.GP (SR-13452[F] dated 31/07/2020)

W.P. (MD) No.9537 of 2011
30.07.2020

KB(13.08.2020) 2P 3C