



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.11.2020

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.16137 of 2020

and

W.M.P. (MD)No.13506 of 2020

- 1.Ilanchezhian
- 2.Poovalagi
- 3.Muthulakshmi

... Petitioners

-vs-

1. The District Collector,
District Collectorate,
Virudhunagar,
Virudhunagar District.
2. The Sub Collector,
O/o. The Sub Collector,
Sivakasi West,
Virudhunagar District.
3. The Tahsildar,
Taluk Office,
Vattirayiruppu,
Virudhunagar District.
4. The Zonal Deputy Tahsildar,
Taluk Office,
Vattirayiruppu,
Virudhunagar District.

5. Ramasamy

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the impugned notice in Na.Ka.A1/6388/2020, dated 23.10.2020 on the file of the second respondent, and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.K.P.Krishnadoss
No.1 to 4 Special Government Pleader

**ORDER**

The Writ Petition has been filed challenging the notice of enquiry dated 23.10.2020 issued by the second respondent.

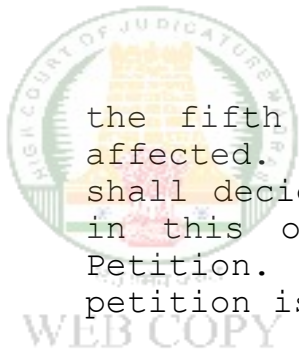
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2. Heard the learned Counsel appearing for the petitioner and the learned Special Government Pleader, who took notice for the respondents 1 to 4. Since this Court is not going to pass any adverse orders against the fifth respondent, notice to him is dispensed with.

3. The learned Counsel appearing for the petitioner would submit that the property measuring to an extent of 7.45 Cents in Survey No.702/9 situated in S.Kodikulam, Vattirayiruppu, Virudhunagar District is a nanja land belonged to the petitioner's father which he got by way of partition agreement entered into between his family members. The fifth respondent, who is also one of the descendents of the petitioner's ancestors, made a false claim over the property by filing a civil suit and lost upto second appeal stage before this Court. Thereafter, the petitioner made a representation before the fourth respondent for mutation of revenue records of the subject property and the fourth respondent, after conducting due enquiry and perusing the documents including the judgments of the Civil Court and the Hon'ble High Court, issued joint patta in favour of the petitioners 1 to 3. However, the fifth respondent by suppressing all the material facts, approached the second respondent by way of a representation and based on which, the second respondent issued the present notice. According to the petitioners, issuance of the impugned notice itself is illegal. Therefore, challenging the said notice, the petitioners have come forward with the present Writ Petition.

4. This Court is of the view that the complaint given by the fifth respondent has been reflected in the notice and it does not mean that the Sub Collector has come to the conclusion that the petitioners have committed a wrong. Mere issuance of a notice asking the petitioners to appear for enquiry, by referring the complaint of the fifth respondent, cannot be construed as an adverse inference drawn against petitioners. Therefore, this Court is not inclined to interfere with the notice dated 23.10.2020 issued by the second respondent.

5. Accordingly, the Writ Petition is dismissed. However, liberty is given to the petitioners to raise all the grounds and produce all the materials available to them before the authority concerned. The authority concerned shall complete the enquiry and pass appropriate orders within a period of 120 days from the date of receipt of a copy of this order, after conducting an enquiry and perusing the materials produced before him by the petitioners and



the fifth respondent and any other persons who are likely to be affected. This Court makes it clear that the authority concerned shall decide the issue uninfluenced by any of the observations made in this order as they are only for the disposal of this Writ Petition. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM

To

1. The District Collector,
District Collectorate,
Virudhunagar,
Virudhunagar District.
2. The Sub Collector,
O/o. The Sub Collector,
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Virudhunagar District.
4. The Zonal Deputy Tahsildar,
Taluk Office,
Vattirayiruppu,
Virudhunagar District.

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.22094

+1cc to SPL GP SR.No.22208

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VB (07.01.2021) 3P 7C