



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2020

CORAM

THE HONOURABLE **MR. JUSTICE S.S.SUNDAR**

W.P. (MD) No.14078 of 2018
and W.M.P. (MD) No.12764 of 2018

WEB COPY

D.Swarnakumar

... Petitioner

Vs.

1.The District Collector,
Trichy, Trichy District.

2.The Tasildhar,
Srirangam, Trichy.

3.The Special Tashildhar,
Urban Land Tax Scheme,
Srirangam, Trichy.

4.Chandrika

5.Shantha

6.Sasirekha

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records relating to the impugned order in the form of Notice issued by the second respondent in his proceedings in Na.Ka.A3/4931/2018 dated 26.06.2018 and quash the same as illegal, arbitrary and without jurisdiction.

For Petitioner : Mr.B.Saravanan
For R1 to R3 : Mr.M.Murugan,
Government Advocate.

For R4 to R6 : Mr.H.Arumugam

ORDER

This Writ Petition has been filed challenging the impugned notice issued by the second respondent dated 26.06.2018. The impugned notice is nothing but an enquiry notice on the representation of the private respondents herein.

2.The petitioner stated that properties in T.S.Nos.2214 to 2238, 2257, 2259 to 2266 and T.S.No.2237 is his ancestral property as the same was owned by one Rangoon Chidambara Reddiyar. It is further stated that there is also a trust in the name of Rangoon



Chidambara Reddiyar Trust. It is the definite case of the petitioner that one Yasodha requested third respondent to delete the petitioner's name and petitioner's brother name from the patta in respect of several parcels of land.

3. It is further stated that the third respondent, by an order dated 13.01.2017, had refused to mutate the revenue records. However, liberty was given to the parties to approach the Civil Court for appropriate relief. Stating that the respondents 4 to 6 did not file any suit as directed by the third respondent and that the order of the third respondent has become final, the petitioner has come by way of the present writ petition to quash the notice of enquiry issued by the third respondent to the petitioner and other individuals.

4. A counter affidavit has been filed by the respondents 4 to 6 *inter alia* pointing out that the impugned order passed by Thasildar is nothing but notice for an enquiry. It is further stated that the respondents 4 to 6 had preferred an appeal as against the previous order passed by the Thasildar and the said appeal is pending. It is in the said circumstances, the learned counsel for the respondents 4 to 6 would concede the fact that the writ petition may be allowed with a direction to the appellate authority to consider the appeal preferred by the respondents 4 to 6. The learned counsel for the respondents 4 to 6 has no objection to allow this writ petition and to quash the impugned communication issued by the second respondent.

5. Considering the fact that the appeal preferred by the respondents 4 to 6 as against the order of the third respondent is pending before the Revenue Divisional Officer, this writ petition can be allowed as there is no need to conduct any enquiry by the third respondent. Recording the statements made by the learned counsel for the respondents 4 to 6, this writ petition is allowed. It is open to the respondents 4 to 6 to persuade the appeal preferred before the Revenue Divisional Officer, in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

To

1. The District Collector,
Trichy, Trichy District.



2.The Tasildhar,
Srirangam, Trichy.

3.The Special Tashildhar,
Urban Land Tax Scheme,
Srirangam, Trichy.

+1 CC to M/s.B.SARAVANAN, Advocate (SR-3303[F] dated 28/01/2020)

W.P. (MD) No.14078 of 2018
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scr (CO)
TR(03.02.2020) 3P 5C