

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.1101 of 2021
and WMP. Nos.1220 & 1221 of 2021

Radha ... Petitioner

Vs.

1.The District Collector
Krishnagiri District
Krishnagiri.

2.The District Revenue Officer
Krishnagiri District
Krishnagiri.

3.The Revenue Divisional Officer
Hosur
Krishnagiri District.

4.The Tahsildar
Hosur Taluk
Krishnagiri District.

5.Manish Gupta ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the fourth respondent in Na.Ka.No.5780/2020/A2 dated nil signed on 04.12.2020 and quash the same as illegal, incompetent and ultravires and consequently forbear the respondents 1 to 4 from conducting any enquiry pertaining to patta for the properties in S.No.628/1C to an extent of 0.22 hectares at Mookondapalli Village, Hosur Taluk, Krishnagiri District in Patta No.4037 pending disposal of the civil suit in O.S.No.127 of 2012 on the file of the Sub Court, Hosur, Krishnagiri District.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.S.N.Parthasarathi
Government Advocate [R1 to R4]

ORDER

The petitioner claims that she is the owner of a certain property and holds a patta in her name. Be that as it may, a certain Manish Gupta has moved the third respondent for cancellation of patta that stood in her name. To hold enquiry into the matter, the fourth respondent had issued a notice dated 04.12.2020, intimating that an enquiry is scheduled to take place on 10.12.2020. It is to quash this notice, the present petition is filed.

2. Mr.R.Jayaprakash, the counsel for the petitioner submitted that a suit in O.S.NO.127 of 20212 is pending on the file of Sub Court, Hosur, for declaration of petitioner's title over the property. In this, the said Manish Gupta is the eleventh respondent. It is his contention that during the pendency of the suit, no enquiry shall take place.

3. Mr.S.N.Parathasarathi, learned Government Advocate takes notice for respondents 1 to 4, made a statement on instructions that on 10.12.2020, the petitioner did not attend the enquiry on 10.12.2020 as scheduled. In this circumstances, the fourth respondent/Tahsildar with the available materials has made a representation on 05.01.2021, to the third respondent / Revenue Divisional Officer, Hosur, and that the Revenue Divisional Officer is yet to take a call on it. He also stated that the suit has been dismissed.

4. In reply, the learned counsel submitted that the impugned notice dated 04.12.2020 was received by the petitioner only on 24.12.2020, and hence, the petitioner could not attend the enquiry on 10.12.2020.

5. It is not so about whether the subject matter is involved in a litigation. It is important that when a notice is received from an official, the party who receives the notice should show some courtesy to it and appear in person to explain the matter. The Court can be spared of this kind of litigation if only the parties appear before the concerned authority to explain the situation. Therefore, it required the learned Government Advocate to grant one last opportunity to the petitioner to make available all the material facts that are available with her.

6. The learned Government Advocate on instructions stated that a hearing can be granted to the petitioner on 05.02.2021 at 11.00 a.m., in the office of the third respondent/Revenue Divisional Officer, Hosur. The statement is recorded.

7. Irrespective of whether the petitioner makes use of this opportunity or not, the Revenue Divisional Officer, Hosur, is free to decide the matter on the basis of the materials made available before the authority, in accordance with law.

8. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The District Collector,
Krishnagiri District,
Krishnagiri.
- 2.The District Revenue Officer,
Krishnagiri District,
Krishnagiri.
- 3.The Revenue Divisional Officer,
Hosur,
Krishnagiri District.
- 4.The Tahsildar,
Hosur Taluk,
Krishnagiri District.

+1cc to the Government Pleader Sr.4033
+1cc to Mr.R.Jayaprakash, Advocate Sr.3741

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jp[co]
srg 19/02/2021