

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.04.2021
CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.1933 of 2021
and W.M.P.Nos.2186 & 2187 of 2021

1. P.Balasubramanian
2. Durai @ Natarajan
3. P.Manickam

.. Petitioners

Vs.

1. The District Revenue Officer,
District Collectorate Building,
Coimbatore - 641 018.
2. The Revenue Divisional Officer,
Coimbatore North,
Koundampalayam,
Coimbatore - 641 018.
3. The Tahsildar,
Coimbatore North,
Coimbatore.
4. Duraisamy
5. A.Arukutty
6. A.Appadurai
7. N.Sellammal
8. Magesh Kumar

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, calling for the records of the third respondent pertaining to his notice RTR.4408/2020/A8, dated 21.12.2020 and quash the same.

For Petitioner : Mr.V.P.Sengottuvel
for Mr.K.S.Karthik Raja

For Respondents 1 to 3 : Mr.M.Manigopi,
Government Advocate

For Respondents 4 to 7 : Mr.B.Karthikeyan

O R D E R

(The case has been heard through video conference)

Challenging the enquiry notice dated 21.12.2020, issued by

the third respondent Tahsildar, the present writ petition has been filed.

2. The facts leading to filing of this writ petition is that, Mr.Duraisamy the fourth respondent herein, said to have filed an application before the third respondent herein, for issuance of patta. Pending that application, the petitioners and other persons claiming right over the property, filed their objections before the Tahsildar stating that, the petitioners are the original owners of the property and by creating forged documents, the fourth respondent is now seeking transfer of patta in his name. A civil suit is also pending between the parties and in such circumstances, the patta should not be granted in favour of the fourth respondent. Considering the objections filed by the petitioner, the Tahsildar has issued the impugned notice for conducting an enquiry and asked the parties to appear on 24.12.2020. Challenging the same the present writ petition has been filed.

3. Mr.V.P.Sengottuvel, learned counsel appearing for the petitioners would contend that, the title over the property is in dispute and a civil suit is pending before the Civil Court, and therefore the Tahsildar cannot conduct any enquiry to decide title of the property, and he has no jurisdiction to issue the impugned notice.

4. This Court is unable to accept said contention of the learned counsel appearing for the petitioners. Admittedly, the order impugned in this writ petition is only an enquiry notice and enquiry has been ordered based on the objections given by the petitioners. If at all the petitioners have any valid objections in granting patta to the 4th respondent, it is always open for them to produce necessary documents and establish their claim and it is for the Tahsildar to consider the objections and pass suitable orders. It is a statutory notice issued by the third respondent, for enquiry regarding transfer of patta, based on the objections raised by the petitioners. The said notice cannot be interfered with by this Court exercising power under Article 226 of the Constitution of India.

5. In such circumstances, this Court finds no merit in this writ petition, however, the Tahsildar, the third respondent herein, is directed to consider the objections raised by the petitioners during enquiry and also afford an opportunity of hearing to the petitioners and other persons interested in the matter, and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is disposed of accordingly. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kk

To

1. The District Revenue Officer,
District Collectorate Building,
Coimbatore - 641 018.

2. The Revenue Divisional Officer,
Coimbatore North,
Koundampalayam,
Coimbatore - 641 018.

3. The Tahsildar,
Coimbatore North,
Coimbatore.

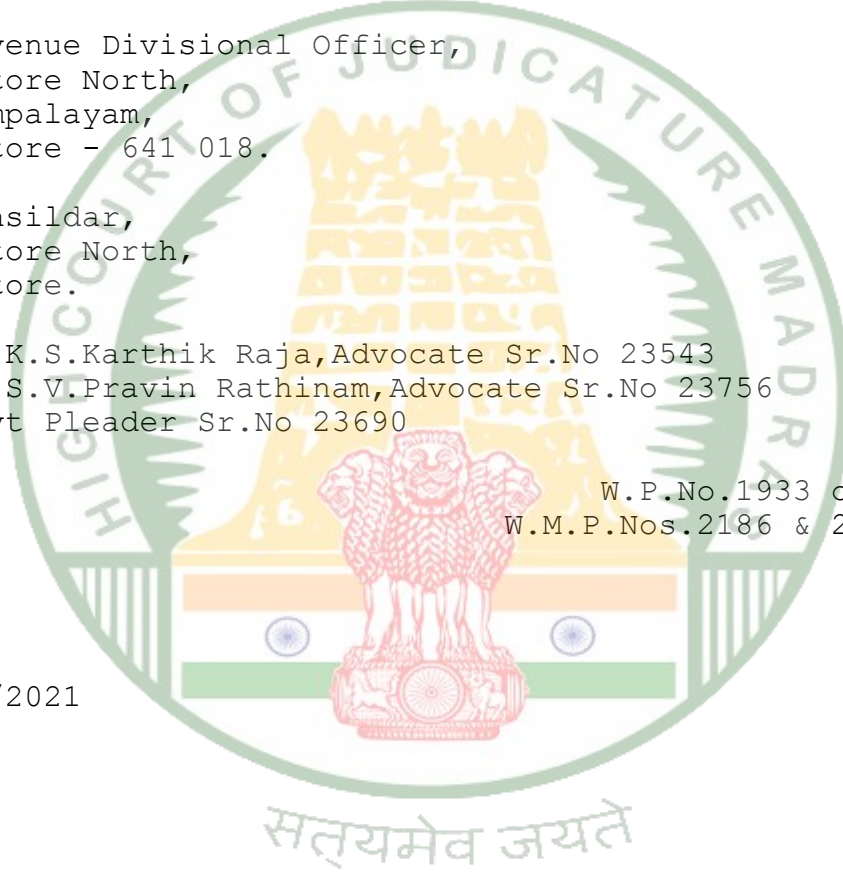
+cc to Mr.K.S.Karthik Raja,Advocate Sr.No 23543

+cc to Mr.S.V.Pravin Rathinam,Advocate Sr.No 23756

+cc to Govt Pleader Sr.No 23690

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AKII (CO)
baf 10/05/2021



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