

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM :

THE HON'BLE MR.JUSTICE N.SESHASAYEE

W.P.No.5123 of 2021

V.Rajaram

... Petitioner

Vs

1. The District Revenue Officer
Office of the District Collector
Salem Town, Salem District.

2. Shanti Umashankar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of respondent No.1 in issuing summons dated 08.01.2021 [Na.Ka.No.10356/2020/E1] to the petitioner on the appeal filed by respondent No.2 and quash the same as being arbitrary and illegal.

For Petitioner : Mr.Vivekanandh

For Respondents : Mrs.A.B.Reehana Begum
Government Advocate [R1]

ORDER

The petitioner challenges the notice issued by the District Revenue Officer, Salem District, the first respondent, dated 08.01.2021, whereunder the petitioner was required to appear for enquiry on 22.01.2021. The present writ petition is stated to be presented sometime in February, 2021, long after the scheduled date of enquiry.

2. The learned counsel for the petitioner submitted that the petitioner had purchased a piece of property sometime in 2009, and had the patta transferred in his name in 2011. Subsequently, the mother of the second respondent claim title to the same property under different sale deed, which has been stated to be executed subsequent to the sale deed of the petitioner and had the patta transferred in her name.

3. The petitioner submits that he has approached the civil Court in O.S.No.593/2012 against the mother of the second respondent, which is now pending before the Principal District Munsif, Salem. Suppressing this fact, the second

respondent had approached the revenue authorities and had the patta again re-mutated in her name, and every time when the patta was mutated, it was either in the name of the mother of the second respondent or the second respondent, and that the petitioner was not even heard. The petitioner claims that he is being harassed by the revenue authorities, more so when the matter is pending for consideration.

4. Mrs.A.B.Reehana Begum, learned Government Advocate takes notice for the first respondent and made a statement that the petitioner indeed had appeared before the concerned authority on the date of enquiry, and the writ petition has been filed subsequently. However, in view of the pendency of the writ petition, the authority has not passed any orders.

5. There are two parts to this petition :

(a) First, the alleged suppression of the pendency of the alleged litigation by the second respondent for having the patta transferred in her name; and

(b) Secondly, the alleged non-hearing of the petitioner, before the patta was transferred.

If the allegation in the first part were true, then obviously the second respondent may have to take the blame. However, with regard to the second part, if it were true, only the official has to take the responsibility.

6. This Court is disappointed that the official of the State must be accused of unfair dealing in the affairs of the citizens. This Court, therefore directs the District Collector, Salem, to cause an enquiry as to why this official who had passed the impugned order, did not grant an opportunity of hearing, the fundamental principle in the administrative action. He is also required to initiate appropriate departmental action, if the said allegation is true.

7. For the present, this Court only directs the District Revenue Officer, the first respondent to complete the proceedings and pass appropriate orders after according proper and effective hearing to all the parties who are likely to be affected thereby and conclude his/her proceedings after the conclusion of the General Election of the Tamil Nadu State Legislative Assembly-2021, but not later than June 2021.

8. The writ petition is disposed of in the manner indicated. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ds

To:

The District Revenue Officer
Office of the District Collector
Salem Town
Salem District.

+lcc to the Government Pleader, S.R.No.14170.

W.P.No.5123 of 2021

PMK (CO)
CSR 29.03.2021



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