

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.13777 of 2021

and

W.M.P. No.14625 of 2021

Ravikanth,
S/o. Ramamoorthy

... Petitioner

Vs.

1. The Tahsildar,
Ponneri Taluk Office,
Ponneri-601 201.
Tiruvellore Dt.

2. The Taluk Head Surveyor,
Ponneri Taluk Office,
Ponneri-601 201,
Tiruvellore Dt.

3. V.Nandakumar,
S/o. Viswanathan

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records of 1st respondent passed in proceedings in Na.Ka.No.1598/2021/AA1, dated .05.2021 signed on 07.05.2021 and quash the same.

For Petitioner : Mr.R.Ravi

For Respondents : Mr.K.M.D.Muhilan
Government Advocate

ORDER

(The case has been heard through video conference)

The Writ Petition has been filed challenging the enquiry notice issued by the 1st respondent Tahsildar, Ponneri Taluk and quash the same.

2. In view of the order is going to be passed in the present Writ Petition, which will not prejudice the interest of the 3rd respondent, notice to the 3rd respondent is dispensed with.

3. The grievance of the petitioner is that, there is a title dispute between petitioner and 3rd respondent. The 3rd respondent had filed a civil suit against the petitioner and others in O.S.No. 373 of 2009 on the file of District Munsif, Ponneri, which was decreed. Against which, the petitioner has filed an appeal in A.S.No.42 of 2019, on the file of Sub-Court, Ponneri and the appeal is pending. Suppressing the pendency of appeal, the 3rd respondent said to have approached the 1st respondent Tahsildar to rectify the mistake in FMB sketch in respect of Survey Nos.43/11A and 43/11B

situate at Devampattu Village, Ponneri Taluk, which is the subject matter in the suit between the parties. Without impleading the petitioner as party, the 3rd respondent has also approached this Court by way of Writ Petition in W.P. No. 20420 of 2020 and this Court by an order dated 05.01.2021 issued a direction to the 1st respondent Tahsildar to conduct enquiry after issuing notice to all the parties, who are likely to be affected and also after granting fair and effective hearing within a period of eight weeks. Thereafter, in pursuant to the order passed by this court, the present impugned notice has been issued by the 1st respondent directing the petitioner to appear for enquiry. Now, challenging the same, the present writ petition has been filed by the petitioner.

4. Mr.R.Ravi, learned counsel appearing for petitioner would submit that, there is a title dispute between the parties and a decree was passed against the petitioner, against which, he has filed an appeal in A.S.No.42 of 2019, on the file of Sub-Court, Ponneri and the appeal is still pending. Suppressing the said fact and without impleading the petitioner as a party, the 3rd respondent had filed a Writ Petition and obtained the order. In pursuant to the same, enquiry notice has been issued.

5. According to the petitioner, the 1st respondent without even verifying the documents filed by 3rd respondent, and also without giving sufficient opportunity to the petitioner to raise his objections, had proceeded with the enquiry and he is likely to pass orders. In the said circumstances, the petitioner has filed the present Writ Petition.

6. Heard the learned Government Advocate appearing for respondents 1 and 2 and considered rival submissions and perused the records.

7. The order impugned in the Writ Petition is only a enquiry notice issued by the 1st respondent Tahsildar, pursuant to the order passed by this court in the W.P. No. 20420 of 2020 filed by 3rd respondent. Considering the submissions of learned counsel, the main grievance of petitioner is that no document has been furnished by the 1st respondent to the petitioner and no opportunity has been given to him to raise his objections. Since enquiry notice has been issued in pursuant to the order passed by this court, this Court is not inclined to interfere with the enquiry. However, considering the submissions made by learned counsel for petitioner, the 1st respondent is directed to furnish all the documents filed by 3rd respondent to the petitioner

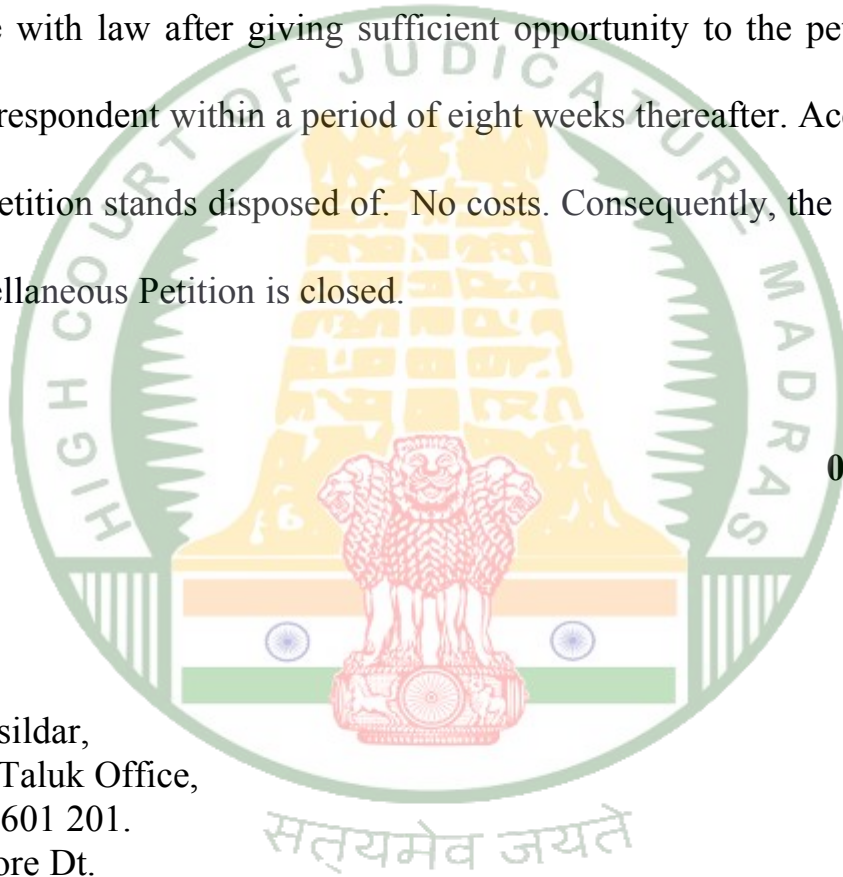
within a period of two weeks from the date of receipt of copy of this order and thereafter, the petitioner is directed to submit his objections within a period of four weeks. After receipt of objections, the 1st respondent is directed to conduct detailed enquiry and to pass suitable orders on merits in accordance with law after giving sufficient opportunity to the petitioner as well as 3rd respondent within a period of eight weeks thereafter. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

02.07.2021

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To

1. The Tahsildar,
Ponneri Taluk Office,
Ponneri-601 201.
Tiruvellore Dt.
2. The Taluk Head Surveyor,
Ponneri Taluk Office,
Ponneri-601 201,
Tiruvellore Dt.



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V.BHARATHIDASAN, J.

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