



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.02.2021**

CORAM

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P.(MD) No.1598 of 2021

C.Panjam

.. Petitioner

vs

1.The District Revenue Officer,
Madurai District,
Madurai.

2.The Tahsildar,
Vadipatti Taluk,
Vadipatti,
Madurai District.

3.T.Raja

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the entire record pertaining to the impugned summon in Na.Ka.No.Aa2/131/2021 dated 20.01.2021 issued by the 2nd respondent and quash the same as perse illegal.

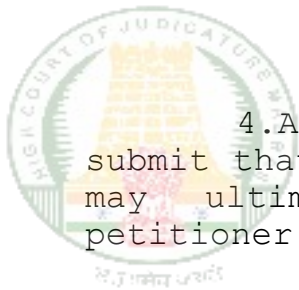
For Petitioner	:	Mr.P.M.Vishnuvarthanan
For R1 & R2	:	Mr.C.Ramesh Special Government Pleader

ORDER

What is challenged in this writ petition is the show cause notice of the 2nd respondent, dated 20.01.2021.

2.According to the learned counsel for the petitioner, on the UDR scheme, change of patta proceedings shall be initiated only by the 1st respondent, namely, The District Revenue Officer and not by the 2nd respondent, who is not a competent authority to initiate any proceedings. Therefore, being aggrieved by the show cause notice, dated 20.01.2021, the petitioner is before this Court.

3.This Court is not inclined to entertain this writ petition for the simple reason that only a show cause notice has been issued to the petitioner and in case the 2nd respondent is not a competent authority to issue the show cause notice, the same can be objected to in reply to the notice. However, it is certainly not open to the petitioner to approach this Court directly by invoking its extraordinary jurisdiction under Article 226 of the Constitution of India and challenge the show cause notice.



4.At this, the learned counsel for the petitioner would submit that any adverse order is passed by the 2nd respondent, which may ultimately suffer from the jurisdictional error, the petitioner's right would be affected.

5.This Court is unable to appreciate the submission of the learned counsel for the petitioner for the reason that there is always an effective appeal remedy available for the petitioner against the order to be passed by the 2nd respondent and therefore, the petitioner can always have an opportunity to have any adverse order by the 2nd respondent overturned before the appellate authority, the 1st respondent herein. In the circumstances, approaching this Court directly at the stage of the show cause notice is per se not maintainable and hence liable to be rejected.

6.This Writ Petition stands dismissed, accordingly. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Revenue Officer,
Madurai District,
Madurai.

2.The Tahsildar,
Vadipatti Taluk,
Vadipatti,
Madurai District.

+1 CC to M/s.GP (SR-3083[F] dated 03/02/2021)

+1 CC to M/s.P.M.VISHNU VARTHANAN, Advocate (SR-3166[F] dated 03/02/2021)

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KB(10.03.2021) 2P 5C