



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16.02.2021

CORAM:

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

W.P. (MD)No.2908 of 2021

and

W.M.P. (MD) Nos.2361 and 2362 of 2021

WEB COPY

K.Rajkumar

... Petitioner

- Vs -

1.The District Collector,
Collectorate,
Madurai,
Madurai District.

2.The District Revenue Officer,
Collectorate,
Madurai,
Madurai District.

3.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

4.The Tahsildar,
Usilampatti Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling the records of third respondent pertaining to e.f.vz;.3082/2020/m3, dated 05.01.2021 and quash it as illegal and consequently direct third and fourth respondents to not to repeat enquiry in any such manner pertaining to the issue of patta connected with the House purchased and retained by the petitioner's family now for animal rearing in Resurvey No.70 of Allikundam Revenue Village of Usilampatti Taluk.

For Petitioner

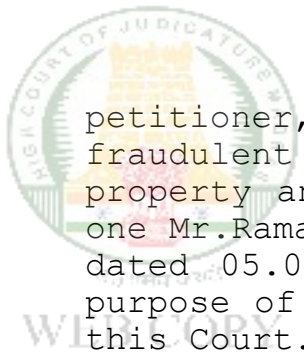
: Mr.K.K.Samy

For Respondents

: Mr.M.Thiyagarajan
Government Advocate

ORDER

This Writ Petition has been filed challenging show-cause notice dated 05.01.2021 issued by the Revenue Divisional Officer, the third respondent herein for consideration of the representation of the third party in regard to patta transfer. According to the



petitioner, the property in question belongs to him. There was a fraudulent claim by third party in regard to the title to the property and when an application was made for transfer of patta by one Mr.Ramaraj, the third respondent herein issued show-cause notice dated 05.01.2021 directing the appearance of the parties for the purpose of enquiry. Challenging the same, the petitioner is before this Court.

2.The grounds raised in the Writ Petition do not support an iota of case of the petitioner in challenging the show-cause notice. The grounds raised in the Writ Petition are as follows:

(a) The third respondent move to overlook his predecessor order closing the file in our family favour is not legal and *mala fides* exercise.

(b) The third respondent move to accept the application of Ramaraj and issue the Patta to him while our family members have enjoyment right is not legal and *mala fides* exercise."

3.From the above, it could be seen that there is absolutely no legal challenge to the show-cause notice and in any case, when a show-cause notice is issued, it is imperative on the part of the petitioner to respond to the show-cause notice and if any adverse final order is passed, then the petitioner has a cause of action to approach this Court. As far as the present Writ Petition is concerned, filed by the petitioner, the same is premature and it is certainly not open to the petitioner to challenge the show-cause notice with bald averments without any worthy materials compelling this Court to intervene at this stage. Moreover, the third party who is claiming patta and made objections to third respondent is not a party before this Court. Therefore, on more than one grounds, this Writ Petition is liable to be dismissed as being not maintainable.

4.In the above circumstances, the Writ Petition is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM

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To

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+1 CC to Mr.K.K.SAMY, Advocate (SR-5556[F] dated 17/02/2021)

+1 CC to SPL GP (SR-5617[F] dated 17/02/2021)

W.P (MD) No.2908 of 2021

16.02.2021

VB (02.03.2021) 3P 7C