



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**Dated: 17.02.2021**

CORAM:

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

**W.P. (MD)No.2996 of 2021**

**and**

**W.M.P. (MD) Nos.2407 and 2409 of 2021**

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Ramani

... Petitioner

- Vs -

1.The District Collector,  
Ramanathapuram District,  
Ramanathapuram.

2.The District Revenue Officer/  
Land Acquisition Officer,  
Ramanathapuram, Ramanathapuram District.

3.The Tahsildar,  
Muthukulathur Taluk,  
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the impugned detailed enquiry notification of the first respondent dated 28.01.2021, under proceeding No.Na.Ka.P1/10357/2012 and to quash the same as illegal as the respondents have demarked the property of the petitioner under Survey No.257/5B, at Muthukulathur Town, Melamuthukulathur Group, Ramanathapuram District, which consists of the graveyard of the petitioner's husband Late Ramachandran.

For Petitioner

: Mr.K.R.Laxman

For Respondents

: Mr.C.Ramesh

Special Government Pleader

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**ORDER**

The petitioner claims to own a property in Survey No.257/5B at Muthukulathur Town, Melamuthukulathur Group, Ramanathapuram District, having purchased the same by sale deed dated 10.07.1999 registered in Sub Registrar Office, Muthukulathur as Document No.146/1999. Ever since the purchase of the property, the petitioner has been in exclusive possession and enjoyment of the same without any interference from any quarters.

2.According to the petitioner, her husband Mr.Ramachandran expired in 2002 and as per their community practice and customary usage, they have buried the petitioner's husband in a portion of the property belonging to the petitioner. While the matter stood thus,



the respondents had issued a notification on 28.01.2021 seeking to acquire the lands which includes the petitioner's property for laying of a public road. The persons interested were directed to appear before the authority concerned. Challenging the same, the petitioner is before this Court.

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3. From the above narrative, it could be seen that what is sought to be challenged is the preliminary notification issued by the first respondent on 28.01.2021 calling for objections from the persons concerned. Instead of responding to the notice and attending an enquiry, the petitioner has chosen to approach this Court directly on the ground that the notification is in violation of her constitutional right. This Court does not think that the Writ Petition can be entertained at this stage of enquiry, as any enquiry notice has to reach its logical end and the petitioner, if she has any legitimate objections, the same can be placed for consideration before the authority concerned. At the same time, it is not for the petitioner to approach this Court at this stage and seek to challenge the show-cause notice. Unless or until there is an application of mind on the part of the authority who issued the impugned notification this Court cannot entertain the Writ Petition in the interregnum and stall any further decision to be taken by the authority concerned in pursuance of the impugned notification.

4. For the above said reasons, this Court finds that the Writ Petition is premature and not maintainable and hence, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM

To

1. The District Collector,

Ramanathapuram District,

Ramanathapuram.

2. The District Revenue Officer/

Land Acquisition Officer,

Ramanathapuram, Ramanathapuram District.



3.The Tahsildar,  
Muthukulathur Taluk,  
Ramanathapuram District.

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+1 CC to M/s.SPL GP ( SR-5927[F] dated 18/02/2021 )

**W.P (MD) No.2996 of 2021**  
**17.02.2021**

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