



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 23.02.2021

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.3484 of 2021

and

W.M.P. (MD) Nos.2823 and 2826 of 2021

WEB COPY

Karur District MGR Handloom Weavers Association,
Reg. No.124/2003,
Rep. by President N. Palanichamy,
No.41/7B, 2nd Cross,
Vaiyapurai Nagar,
Karur - 639 002.

... Petitioner

-VS-

1.The District Collector,
Karur District,
Karur.

2.The District Revenue Officer,
Karur,
Karur District.

3.The Revenue Divisional Officer,
Karur,
Karur District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari calling the records relating to the proceedings of the first respondent made in Na.Ka.No.A1/11703/2004, dated 11.01.2021 and quash the same.

For Petitioner : Mr.R.Murali
For Respondents : Mr.M.Jeyakumar
Additional Government Pleader

ORDER

The petitioner is a registered association formed for espousing the interest and welfare of the Handloom Weavers of the Karur District. According to the association, the first respondent passed an assignment proceedings dated 05.01.2005 in favour of the association and in terms of the directions of the proceedings, quantified amount has also been paid. Thereafter, patta was also issued by sub-dividing the Survey No.434 into 434-G for the extent of 0.60.0 Hectares. Title was also transferred in the name of the petitioner.



2.While so, the first respondent issued notice dated 11.01.2021 by referring to a report of the Revenue Divisional Officer, Karur, directing the association to appear for an enquiry on 19.01.2021. According to the petitioner association, the purpose of the enquiry is to cancel the assignment granted to the association and therefore, challenging the notice, the petitioner is before this Court.

3.This Court is not unable to countenance the challenge made in the present Writ Petition at this stage, for the simple reason that it was only a show-cause notice issued by the first respondent on 05.01.20201 by referring to a report of the Revenue Divisional Officer, Karur. Therefore, the petitioner's contention in the affidavit that the first respondent has already formed his opinion in cancelling the assignment cannot be inferred in favour of the petitioner. Ultimately, what is issued is only a show-cause notice and instead of participating in the enquiry, it is not open to the petitioner to rush to this Court by invoking its extraordinary jurisdiction and seeking intervention of this Court in the matter during the stage of the enquiry itself.

4.The presumption and apprehension of the petitioner that ultimately, the assignment will be cancelled after enquiry, cannot give the petitioner any specific cause of action for him to approach this Court at this stage. In fact, this Court does not see any material supporting such apprehension and presumption of the petitioner. The association is under obligation to participate in the enquiry and it is always open to the association to establish their case, the lands had been rightly assigned to it and confirm their possession once and for all. However, it is not open to the petitioner altogether ignore and avoid participating in the enquiry process. Therefore, in all fairness, it is imperative for the petitioner to participate in the enquiry and convince the authority that there was nothing wrong in the assignment granted in favour of the association. On the other hand, it is not proper for the petitioner to rush to this Court at this stage.

5.For the above said reasons, this Writ Petition is dismissed as being premature. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



1.The District Collector,
Karur District,
Karur.

2.The District Revenue Officer,
Karur,
Karur District.

3.The Revenue Divisional Officer,
Karur,
Karur District.

+1 CC to M/s.SPL GP (SR-6968[F] dated 24/02/2021)

+1 CC to Mr.R.MURALI, Advocate (SR-7060[F] dated 24/02/2021)

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VB (19.03.2021) 3P 6C