



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:25.02.2021
CORAM
THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

WEB COPY

W.P (MD) No. 3667 of 2021

and

W.M.P (MD) Nos. 2956 and 2957 of 2021

S.Rengaraj

...Petitioner

Vs

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
3. The Revenue Divisional Officer,
Aruppukottai Taluk,
Virudhunagar District.
- 4 The Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.
- 5 E.Sethuraman
- 6 R.Varadharajan

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in his proceedings in Na.Ka.Aa2/27637/2020, dated 27.11.2020 and quash the same as without jurisdiction and consequently, direct the official respondents not to interfere in the administration of the Sundara Moorthy Madam trust property in Survey No.71/11 and 71/14, Chinnapuliyampatti Village, Aruppukottai Taluk, Virudhunagar District based on the petitioner's representation dated 10.02.2021.

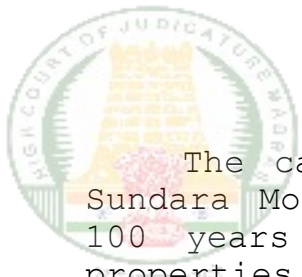
For Petitioner

: Mr.Ananth C.Rajesh

For respondent Nos.2 and 3

: Mr.B.Bhagavathi.

Government Advocate



ORDER

The case of the petitioner is that he is the Trustee of one Sundara Moorthy Madam. According to him the Madam was established 100 years ago by one R.M.Naikcer. The Madam has a number of properties in Survey Nos.71/, 71/11, 71/12, and 71/14 at Chinnapuliyampatti Village, Aruppukottai Taluk. The 5th and 6th respondents with the help of few other mischievous elements have created bogus trust deed in the name and style of Vimini Pallivasal Trust with a singular intention to grab the property belonging to the Sundara Moorthy Madam.

2.The petitioner being aggrieved by the creation of bogus Trust approached this Court in W.P(MD)No.13615 of 2020, wherein the 5th respondent was arrayed as a party. In that writ petition on behalf of the 5th respondent a submission was made that the Vimini Pallivasal Trust was not having any property and they have no connection with the property belonging to the Sundara Moorthy Madam. This Court by recording the above submission disposed of the writ petition.

3.When the matter stood thus, an application appears to have been made to the 2nd respondent against the Trust with an intention to grab the property belonging to the Trust. Notwithstanding the submission made before the Court, in response to the application, the 2nd respondent issued notice dated 27.11.2020, directing the petitioner to appear before him with all supportive documents for enquiry. Challenging the same the petitioner is before this Court.

4.According to the learned Counsel appearing for the petitioner that the show cause notice issued to the petitioner is not maintainable as the 2nd respondent is not the authority to initiate any enquiry into the complaints of the private respondents. The affidavit filed in support of the writ petition contains several facts as to the Police complaints being given and criminal original petition, being filed in the stated disputes as between the petitioner and the private respondents.

5.In view of the above factual scenario and also what is impugned in this writ petition is only a show cause notice, this Court is not inclined to entertain this writ petition at this stage. Whatever be the circumstances of the complaints and whatever be the nature of the complaints pending before the 2nd respondent, the petitioner cannot seek to stall the process of enquiry at the very preliminary stage by invoking extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

6.It is always open to the petitioner to participate in the ongoing enquiry initiated by the 2nd respondent and when any adverse decision is taken, at that time the petitioner has legitimate cause of action to approach any legal forum. It is certainly not open to the petitioner to assail the show cause notice on the stated grounds



and this Court also does not find any worthwhile ground to interfere with such show cause notice.

7. For the above stated reasons, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dsk
To

1. The District Collector,
Virudhunagar District, Virudhunagar.
2. The District Revenue Officer,
Virudhunagar District, Virudhunagar.
3. The Revenue Divisional Officer,
Aruppukottai Taluk, Virudhunagar District.
- 4 The Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.

+1 CC to M/s.ANANTH.C.RAJESH, Advocate (SR-7465[F] dated 26/02/2021)

+1 CC to M/s.SPL GP (SR-7525[F] dated 26/02/2021)

W.P(MD)No.3667 of 2021

25.02.2021

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SE (CO)

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