



WEB COPY

W.P.(MD)No.4236 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.4236 of 2021

and

W.M.P. (MD) Nos.3430 & 3431 of 2021

Ravi

.. Petitioner

Vs

1.The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Thanjavur,
Thanjavur District.

2.Anusuriya

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings of the 1st respondent made in Na.Ka.No.4776/2020/A3 dated 02/12/2020 and quash the same.

For Petitioner : Mr.M.Suresh Kumar

For R1 : Mr.C.Ramesh
Special Government Pleader

ORDER

The petitioner herein is being aggrieved by the issuance of enquiry notice by the 1st respondent seeking explanation in regard to the complaint received by him from the 2nd respondent against the settlement deed executed by her in favour of the petitioner.

2.The 2nd respondent is none other than the mother of the petitioner. According to the petitioner, his mother/2nd respondent had executed a settlement deed dated 01.07.2020 in his favour and due to the influence of his sisters, namely, the daughters of the 2nd respondent, she has preferred a complaint to the 1st respondent seeking to cancel the said settlement deed. According to the petitioner, the enquiry itself is not valid and proper, as the 1st respondent has no power to cancel the said settlement deed.

3.Whatever be the reason or objection on the side of the petitioner, the fact of the matter is that only a show cause notice was issued by the 1st respondent and it is still open to the petitioner to raise his objection as to the maintainability of the complaint before the 1st respondent along with other objections on merits. However, it is certainly not open to the petitioner to



approach this Court at this juncture and challenge the show cause notice issued by the 1st respondent.

4. In a dispute like the present one, it is always better to the petitioner to participate in the enquiry proceedings and whether the 1st respondent has jurisdiction to take up the complaint legally or not, the petitioner shy away from such enquiry on the basis of the jurisdictional objection and rush to this Court with the present challenge. Therefore, this Court, in the fitness of things, is of the view that the writ petition is premature and accordingly, the same is liable to be dismissed.

5. For the above said reasons, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Thanjavur,
Thanjavur District.

W.P. (MD)No.4236 of 2021
03.03.2021

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