



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.(MD) No.843 of 2021

and

CMP(MD).No.3754 of 2021

Parameshwaran

... Appellant/Petitioner

Vs

1. The Tahsildar,
Thiruverumbur Post and Taluk,
Trichy District.

.

2. Kumar

... Respondents/Respondents

PRAYER: Appeal under Clause 15 of the Letters Patent, against the order dated 27.01.2021, passed in W.P(MD).No.1265 of 2021.

Prayer in WP(MD). 1265/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorari, thereby call for the records of the 1st respondent in Na.Ka.A2/3496/2020 dated 27.11.2020 and quash the same as illegal and without jurisdiction.

For Appellant

: Mr.P.Ganapathi Subramanian

For Respondents

: Mr.K.P.Krishnadoss,
Special Government Pleader,
for R1



JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

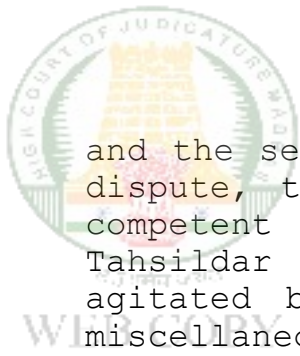
Heard Mr.P.Ganapathi Subramanian, learned Counsel appearing for the appellant and Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the first respondent.

2. This writ appeal is filed against the order passed in W.P (MD).No.1265 of 2021, dated 27.01.2021, by which, the appellant challenged the notice issued by the first respondent-Tahsildar dated 27.11.2020, directing him to appear before him and produce the document to substantiate his right over the subject property as the second respondent has lodged a complaint.

3. The learned Single Bench dismissed the writ petition as being premature. In fact, earlier attempt of the petitioner to approach this Court for some of the similar relief was also dismissed as being premature. At the commencement of the hearing, we were also of the opinion that the appellant attempted to stall the enquiry which cannot be entertained and the writ petition was rightly dismissed as being premature.

4. However, on closer examination, we found that the second respondent appears to have been using the revenue machinery to settle scores with the appellant as he has now lodged a complaint before the Sub-Inspector of Police, Anti-Land Grabbing Special Cell and the said police authority had issued summons to the appellant to appear and the appellant has also appeared and given his explanation, pursuant to which, a criminal case has been registered in Crime No.13 of 2020, on the file of the District Crime Branch, Trichy. Thus, it appears that there is a civil dispute between the appellant and the second respondent. Therefore, the Tahsildar should be very slow in enquiring into a civil dispute and merely because a petition has been given by the second respondent, notice for enquiry should not be issued. In the notice which was impugned in the writ petition, the Tahsildar does not say as to how he has *prima facie* satisfied by the documents produced by the second respondent, which has convinced him to issue notice. Merely because the second respondent has given the petition, notice cannot be issued straight away and the notice should disclose as to what the case the appellant has to meet and what is the claim of the second respondent. The notice being bereft of particulars cannot be allowed to be acted upon.

5. For the above reasons, the writ appeal is allowed and the impugned order is set aside. However, it is open to the Tahsildar, Thiruverumbur, to examine as to the genuineness of the claim of the second respondent and if there is a dispute between the appellant



and the second respondent and the same is in the nature of a civil dispute, the parties should be directed to approach the concerned competent civil Court for appropriate releif. In the event, the Tahsildar initiates fresh action, all issues are left open to be agitated by both the parties. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

Note : *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To
The Tahsildar,
Thiruverumbur Post and Taluk,
Trichy District.

+1 CC to M/s.SPL GP (SR-16722[F] dated
20/04/2021)

W.A.(MD) No.843 of 2021
19.04.2021

KK(27.05.2021) 3P 3C