



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2021

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.931 of 2021

and

CMP(MD) .Nos.4228 of 2021

against

WP(MD)No.1598 of 2021

C.Panjam ... Appellant/Writ Petitioner

Vs.

1. The District Revenue Officer,
Madurai District, Madurai.

2. The Tahsildar,
Vadipatti Taluk,
Vadipatti,
Madurai District.

3. T.Raja ... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order of this Court made in W.P.(MD) No.1598 of 2021, dated 02.02.2021.

Prayer in WP(MD). 1598/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari calling for the entire record pertaining to the impugned summon in Na.Ka.No. Aa2/131/2021 dated 20.01.2021 issued by the 2nd respondent and quash the same as perse illegal and pass any other direction deemed fit to the fact and circumstances of the case and thus render justice.

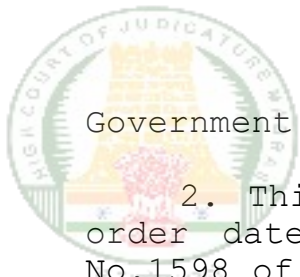
For Appellants : Mr.M.Vishnuvarthanan

For Respondent : Mr.N.Shanmugaselvam,
Additional Government Pleader
for R1 and R2

J U D G M E N T

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

We have heard Mr.P.M.Vishnuvarthanan, learned Counsel appearing for the appellant and Mr.N.Shanmugaselvam, learned Additional



Government Pleader appearing for the respondents 1 and 2.

2. This appeal filed by the appellant is directed against the order dated 02.02.2021, by which, the writ petition in W.P(MD). No.1598 of 2021, filed by the appellant challenging the notice dated 20.01.2021, was dismissed on the ground that it is pre-mature.

3. After elaborately hearing the learned Counsel for the appellant and the learned Additional Government Pleader accepting notice for the official respondents, we find that the Tahsildar, Vadipatti Taluk, should not have issued the enquiry notice dated 20.01.2021, as there appears to be serious dispute between the petitioner and the third respondent, who is stated to be the brother's son of the appellant. In fact, the petitioner had approached this Court earlier in CrI.OP(MD).No.5633 of 2020, in which, an order was passed on 03.09.2020, where, police protection was ordered to be granted, because, the petitioner is a visually challenged person and other directions were issued and the Revenue Divisional Officer, Madurai, had passed an order on 30.12.2020, in which, the third respondent herein is also a party and a copy of the order has been marked to him as the fourth notice. When all these circumstances are there, it would be better for the Tahsildar, Vadipatti Taluk, to keep away from the dispute between the appellant and the third respondent, which appears to be *inter se* family dispute. If at all the third respondent is aggrieved by the order of the Revenue Divisional Officer, Madurai, dated 30.12.2020, it is always open to him to question the same in the manner known to law.

4. Thus, in the present circumstances, the second respondent-Tahsildar, Vadipatti Taluk, should not proceed pursuant to his notice dated 20.01.2021. Accordingly, the Writ Appeal is allowed and the order passed in the writ petition is set aside and the second respondent-Tahsildar, Vadipatti Taluk, is directed not to proceed further pursuant to the notice dated 20.01.2021, leaving it open to the petitioner and the third respondent to work out their rights before the appropriate Forum in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

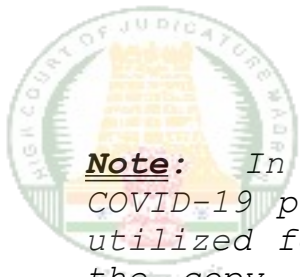
Assistant Registrar (CS II)

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/ /2021

Sub Assistant Registrar(CS)

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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

1. The District Revenue Officer,
Madurai District, Madurai.

2. The Tahsildar,
Vadipatti Taluk,
Vadipatti,
Madurai District.

+1 CC to M/s.P.M.VISHNU VARTHANAN, Advocate (SR-18237[F] dated 30/04/2021)

+1 CC to M/s.GP (SR-18352[F] dated 03/05/2021)

W.A. (MD) No. 931 of 2021
30.04.2021

KK(16.06.2021) 3P 5C