



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.05.2021

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.P.(MD)No.9474 of 2021
and W.M.P.(MD)No.7200 of 2021

Ganesammal

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Ramanathapuram Division,
Ramanathapuram.

2.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram.

3.C.Rasu

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the second respondent notice in Na.Ka.P9/7669/2018, dated 04.05.2021 and quash the same.

For Petitioner	:	Mr.M.Mohamed Sherbudeen
For Respondents	:	Mr.J.Gunaseelan Muthiah, Additional Government Pleader for R.1 & R.2

ORDER

(Order of the Court was made by S.S.SUNDAR,J)

This Writ Petition is filed to quash the notice, dated 04.05.2021.

2.The impugned notice is a notice issued to the petitioner calling upon him to appear for an enquiry before the Tahsildar. The enquiry was pursuant to the direction of this Court, dated 22.03.2019, made in W.P(MD)No.4319 of 2019.

3.Earlier, a Writ Petition was filed by the third respondent herein in W.P(MD)No.4319 of 2019, for issuing a Writ of Mandamus, directing the respondents 1 to 4 therein to remove the encroachments made by one Thirunavukkarasu, who was also arrayed as fifth respondent in the said Writ Petition.

4.The contention of the third respondent herein, in the said Writ Petition was that the encroachment made by the fifth respondent



was in the public street in Survey No.294/13 at Keelamaangundu Village, Erattaiyoorani Group, Ramanathapuram Taluk, Ramanathapuram District.

5.Hon'ble Division Bench of this Court, by order dated 29.03.2019, disposed of the Writ Petition by directing the fourth respondent therein, namely, the Tahsildar, Ramanathapuram Taluk, to take appropriate action on the representation of the third respondent herein, dated 27.02.2019. Pursuant to the direction of this Court, the second respondent herein, in compliance of the direction of this Court, issued notice to the petitioner to appear for an enquiry on 07.05.2021. Since the notice is only a notice for holding enquiry, pursuant to the direction of this Court, the petitioner cannot have any grievance.

6.The learned counsel appearing for the petitioner states that the suit filed by the petitioner in O.S.No.79 of 2019 for declaration of title and for consequential relief is pending before the Sub-Court, Ramanathapuram. Further, the learned counsel submitted that the second respondent cannot be allowed to conduct enquiry during the pendency of the suit.

7.The petitioner, who has filed the suit, is unable to get any interim order before the civil Court. In such circumstances, this Court cannot entertain the Writ Petition and issue a direction to the statutory authorities not to perform their functions. If the second respondent passes any order adverse to the petitioner against the provisions of any statute or by ignoring the case on merits, it is open to the petitioner to challenge the said order in the manner known to law. The petitioner cannot injunct the second respondent to hold an enquiry or to consider the representation of the third respondent as directed by this Court. There is no merit in the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL/PS

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Revenue Divisional Officer,
Ramanathapuram Division,
Ramanathapuram.

2.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram.

W.P. (MD)No.9474 of 2021

12.05.2021

KUN (CO)

TR(07.06.2021) 3P 3C