



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2021

CORAM

THE HONOURABLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD).No.13332 of 2021

and

W.M.P (MD).No.10315 of 2021

WEB COPY

Maruthapandian,
S/O. Ganapathy Thevan

...Petitioner

Vs

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Thasildar,
V.K.Pudur,
Tenkasi.

3.The Surveyor, V.K.Pudur, Tenkasi

4.Maruthapandiyan,
S/O Palpandiyan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to Na.Ka.No.S2.549/21 dated 29.06.2021 to quash the same as illegal and consequently direct the second respondent to conduct proper enquiry with regard to the petition dated 06.07.2021 given by one Maruthapandian of North Kavalakurichi Panchayat, Seelvalpuram-Thattaparai, V.K.Pudur Taluk, Tenkasi District.

For Petitioner : Mr.S.M.Sankar

For Respondents : Mr.R.Baskaran

Counsel for State
for R1 to R3

ORDER

The petitioner challenges an inquiry notice dated 29.06.2021 from the office of the Thasildar, Veerakeralampudur.

2. The petitioner states that he resides at a property bearing survey No.389/2A, which was sub-divided as Survey No.389/2A3. He alleges that the 4th respondent produced forged documents and managed to further sub-divide Survey No. 389/2A3 as Survey No.389/2A3B and 389/2A3C by submitting forged documents. Consequently, the petitioner submitted an objection petition to the Thasildar concerned. In spite of receiving such objection petition, the petitioner states that the impugned inquiry notice has been issued calling upon the petitioner to appear along with all original



documents to establish title and interest over the relevant property.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the respondents 1 to 3. He states that the challenge is to an inquiry notice and that such inquiry would be conducted in accordance with law.

4. Upon perusal of the impugned notice, it is clear that it is a notice calling upon the recipients thereof, including the petitioner to participate at an inquiry scheduled originally on 12.07.2021. The petitioner states that such inquiry has not been concluded as on date.

5. A notice summoning parties to an inquiry is ordinarily not interfered with in proceedings under Article 226 of the Constitution for the reason that no prejudice is caused to the recipient of such notice and such recipient is in a position to participate in such inquiry and challenge any adverse order subsequently.

6. Accordingly, the impugned notice is not liable to be interfered with. Nevertheless, in the event such inquiry has not been concluded as claimed by the petitioner, the second respondent is directed to conduct the inquiry in accordance with law by providing a reasonable opportunity to the petitioner, the fourth respondent and any others who would be affected by the outcome of such inquiry. Upon conclusion of such inquiry, the second respondent is directed to pass a reasoned order and communicate the same to all the parties concerned within a period of three months from the date of receipt of a copy of this order.

7. W.P.(MD)No.13332 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected W.M.P.(MD) No.10315 of 2021 is closed.

Sd/-

Assistant Registrar (W)

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/ /2021

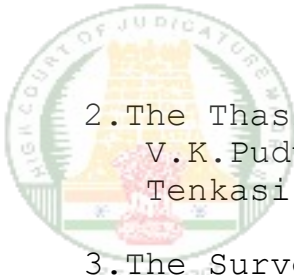
Sub Assistant Registrar(CS)

sbm

To

1.The District Collector,
Tenkasi District,
Tenkasi.

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



2.The Thasildar,
V.K.Pudur,
Tenkasi.

3.The Surveyor,
V.K.Pudur,
Tenkasi.

+1 CC to M/s.GP (SR-25174[F] dated 04/08/2021)

W.P.(MD).No.13332 of
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MGJ(10.08.2021) 3P 5C