



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.13725 of 2021

and

W.M.P. (MD) .No.10651 of 2021

WEB COPY

Pon.Muthuramalingam ... Petitioner
versus

1. The District Collector,
Dindigul District,
Dindigul.
2. The Revenue Divisional Officer,
Dindigul District,
Dindigul.
- 3.The Tahsildar,
Nilakkottai Taluk,
Nilakkottai,
Dindigul District.

- 4.Pon.Rukamani
- 5.Eswari
- 6.Duraisamy Thevar ... Respondents

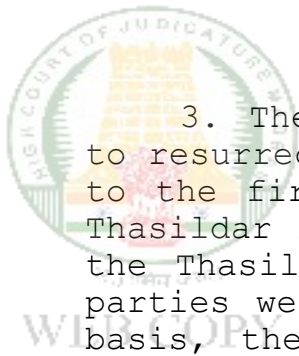
Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the impugned proceedings of the second respondent in Na.Ka.No.3400/2021/B4 and quash the same.

For Petitioner : Mr.B.Vijay Karthikeyan
For Respondent : Mr.P.Subbaraj,
Counsel for State

ORDER

The petitioner challenges a notice dated 14.07.2021 and the proceedings of the Revenue Divisional Officer, Dindigul District pursuant thereto.

2. The petitioner states that he is the owner of the property bearing Survey No.226/4B at Mattaparai Village, Nilakottai Taluk, Dindigul District. On 10.03.2015, the petitioner submitted an application for survey of the said land and for marking the boundaries thereof. Upon receipt of objections from the father of the fourth respondent, by an order passed in October 2015, the Thasildar directed the parties to approach the appropriate civil court.



3. The petitioner states that the fourth respondent attempted to resurrect the matter by submitting a representation on 08.05.2018 to the first respondent herein. Based on such representation, the Thasildar issued summons in 2019 and the petitioner appeared before the Thasildar in August 2019. The petitioner pointed out that the parties were directed to approach the civil court in 2015. On such basis, the petitioner states that the third respondent agreed to drop the proceedings. In such circumstances, the petitioner states that he was shocked to receive summons from the Revenue Divisional Officer. It is further stated that the communication from the Revenue Divisional Officer refers to a report dated 26.06.2021 from the Thasildar but that such report has not been provided to the petitioner. The petitioner also alleges that the proceedings are barred by limitation and are without jurisdiction.

4. Considering the fact that the petitioner challenges a summons in respect of an inquiry by the Revenue Divisional Officer, there is no reason to interfere with such inquiry at this juncture. However, the Revenue Divisional Officer is obligated to provide the petitioner with copies of documents that are proposed to be relied upon in the course of inquiry, including the Thasildar's report dated 26.06.2021. The petitioner is permitted to raise all objections with regard to limitation and jurisdiction and such objections shall be dealt with by the Revenue Divisional Officer in his reasoned order.

5. Accordingly, without going into the merits of the matter, the second respondent herein is directed to conduct the inquiry by providing all documents to the petitioner and to the other parties to the inquiry and by providing a reasonable opportunity to all parties, Such inquiry shall be concluded within a period of three months from the date of receipt of a copy of this order. Since the merits of the matter have not been examined and because the Revenue Divisional Officer has been directed to hear the parties including respondents 4 to 6 before passing an order, the writ petition is disposed of without notice to the private respondents.

6. W.P.(MD).No.13725 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected W.M.P(MD).No.10651 of 2021 is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

WEB COPY

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Revenue Divisional Officer,
Dindigul District,
Dindigul.
- 3.The Tahsildar,
Nilakkottai Taluk,
Nilakkottai,
Dindigul District.

+1 CC to M/s.B.VIJAY KARTHIKEYAN, Advocate (SR-25684[F] dated 09/08/2021)

+1 CC to M/s.SPL GP (SR-25771[F] dated 10/08/2021)

W.P (MD) No.13725 of 2021
09.08.2021

GC (17.08.2021) 3P 6C