



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.13830 of 2021

and

W.M.P(MD)No.10797 of 2021

WEB COPY

Mohammed Sabeer Ali

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

2.S.Abash Ali

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for records relating to the impugned proceedings of the 1st respondent in Na.Ka.No.A3/3509 of 2018, dated 15.07.2021 and quash the same.

For Petitioner : Mr.B.Prahalad Ravi

For Respondents : Mr.R.Baskaran for R1
Counsel for State.

ORDER

The petitioner challenges a notice dated 15.07.2021 and the proceedings relating thereto.

2.The petitioner asserts that he is the absolute owner of properties in specific survey numbers at Salaigramam, Ilayangudi Taluk, Sivagangai District. It is stated that the aforesaid properties were settled in his name by the petitioner's father as early as on 21.12.2009. Thereafter, the petitioner states that a patta was issued in his favour in patta No.4200.

3.After the lapse of more than ten years, the petitioner states that he received an inquiry notice dated 15.07.2021 with regard to proceedings initiated by the second respondent for cancellation of the patta. According to learned counsel for the petitioner, the first respondent does not have the jurisdiction to decide questions of title and that he should relegate the parties to a jurisdictional civil court. The present Writ Petition is filed in the said facts and circumstances.

4.Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the first respondent.

5.Ordinarily, the Court in exercise of extraordinary jurisdiction under Article 226 of the Constitution does not



interfere with notices for an inquiry. In the case at hand, the first respondent is the authority vested with the authority to cancel a patta. As such, it cannot be stated that the first respondent *ex facie* lacks jurisdiction. Although the petitioner alleges that more than ten years have lapsed since the petitioner acquired title to the property in question and was also allotted a patta in respect thereof, objections on such basis may be raised by the petitioner before the first respondent and, in such event, the first respondent would be under an obligation to consider such objections and deal with the same in accordance with law. Consequently, the petitioner has failed to make out a case to interfere with the impugned notice. Nonetheless, the first respondent should decide the pending proceedings within a reasonable time frame.

6.In the aforesaid facts and circumstances, W.P.(MD).No.13830 of 2021 is disposed of by directing the first respondent to proceed with and conclude the inquiry by a reasoned order within a period of three (3) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner, the second respondent herein and any others who may be affected thereby. The first respondent is specifically directed to deal with all objections that are raised by the petitioner herein by such reasoned order. There will be no order as to costs. Consequently, W.M.P. (MD).No.10797 of 2021 is closed.

Sd/-

Assistant Registrar (CRL)

// 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.

To

1.The Revenue Divisional Officer,
Sivagangai, Sivagangai District.

+1 CC to M/s.B.PRAHALAD RAVI, Advocate(SR-25838[F] dated 10/08/2021)
+1 CC to The Special Government Pleader (SR-26063[F] dated 12/08/2021)

W.P(MD)No.13830 of 2021

10.08.2021

RS (24.08.2021) 2P 4C

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