



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2021

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THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD)No.16497 of 2021

and

WMP (MD) .No.13373 of 2021

WEB COPY

1. Vincent Jeyakumar
2. Manickam ... Petitioners
Vs.

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

2. The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

3. Chandran ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned notice issued by the first respondent in Na.Ka.No.A3/1107/2021 dated 26.07.2021 and quash the same.

For Petitioner : Mr.R.Balakrishnan
For Respondents : Mr.P.Subburaj,
Counsel for State for R1 and R2

O R D E R

The petitioners challenge an inquiry notice issued by the first respondent dated 26.07.2021.

2. The petitioners state that the relevant land was assigned to one Ramanathan under proceedings dated 30.11.1992. As per the terms of assignment, the said Ramanathan was under an obligation not to alienate the land for a period of ten years. The petitioners state that the assignee adhered to the conditions strictly and conveyed the property to one Panjavarnam after the lapse of fifteen years. The legal heirs of said Panjavarnam executed a sale deed in favour of one Murugan on 15.09.2010. The said Murugan, in turn, executed a sale deed in favour of the petitioners on 01.12.2010. Subsequent thereto, the petitioners state that they are in possession and enjoyment of the said property, and that the patta has also been transferred in their name. The petitioners challenge the impugned inquiry notice in these facts and circumstances by asserting that these proceedings have been initiated at the instance of a land broker, namely, the third respondent.



3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 and 2. He submits that it is always open to the petitioners to respond to the inquiry notice and provide an explanation by enclosing all relevant documents.

4. In judicial review, the Court ordinarily does not interfere with inquiry proceedings. The obvious reason for not interfering is that the recipient of such inquiry notice has the opportunity to appear at the inquiry, provide an explanation and also produce documents in support of the position canvassed by the relevant noticee.

5. In the case at hand, the inquiry notice has been addressed not only to the original assignee, namely, Ramanathan, but also to the petitioners herein. Therefore, the petitioners are in a position to provide an explanation and also produce all relevant documents so as to establish that the terms of assignment were not violated by the original assignee. Needless to say, if such explanation is provided, and if relevant documents are produced, the first respondent is obligated to duly consider the explanation and take the documents into account before disposing of the matter by way of a reasoned order. In the event that the petitioners are aggrieved by such order, it is always open to the petitioners to challenge such decision in accordance with law.

6. W.P(MD).No.16497 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected WMP(MD). No.13373 of 2021 is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

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

2.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

+1 CC to M/s.R.BALAKRISHNAN, Advocate (SR-29394[F] dated 16/09/2021)
+1 CC to M/s.SPL. GP (SR-29309[F] dated 16/09/2021)

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