



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.16551 of 2021

and

W.M.P. (MD) .Nos.13427 and 13430 of 2021

Syed Ibrahim

... Petitioner

Vs.

1.The Sub Collector,
O/o. The Sub Collector,
Pattukottai,
Thanjavur District.

2.The Tashildar,
Pattukottai Taluk,
Thanjavur District.

3.The Village Administrative Officer,
Athiramapattinam Village,
Thanjavur District.

4.The Inspector of Police,
Athiramapattinam Police Station,
Thanjavur District.

5.Mrs.Ansari Begam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the notice dated 20.07.2021 issued by the first respondent vide proceedings №.34/2019/214 and quash the same.

For Petitioner
For R-1 to R-4

: Mr.D. Pandiarajan
: Mr.K.S. Selva Ganesan
Counsel for State

ORDER

The petitioner challenges a notice dated 20.07.2021 from the first respondent by which he was called upon to produce relevant documents and appear at an inquiry on 03.08.2021.



2. The petitioner states that he purchased the property bearing Survey Nos.225/2, 225/3, 225/6, 225/7A and 225/7B at Athiramapattinam Village, Pattukottai Taluk, Thanjavur District of an extent of 3 Acre 90 cents from one Mohameed Mohaideen Natchaiammal under a registered sale deed bearing Document No.891 of 2000. Subsequently, the petitioner states that he applied for and obtained a patta in respect of the relevant property. Ever since, it is stated that the petitioner is in peaceful possession and enjoyment of the property for about twenty one years.

3. After the property was subdivided as Survey Nos.132/2A1A and 132/2A1B, it is stated that the fifth respondent raised a dispute with regard to such property. Both parties appear to have initiated legal proceedings against the other thereafter. The present Writ Petition is filed upon receipt of the notice dated 20.07.2021 by the petitioner.

4. Mr.K.S.Selva Ganesan, learned Counsel for the State, accepts notice on behalf of respondents 1 to 4. He submits that it is open to the petitioner to participate in the inquiry pursuant to the impugned notice and provide an explanation to the first respondent. Therefore, he submits that the present Writ Petition is liable to be dismissed.

5. The petitioner has enclosed copies of the sale deed, rectification deed and release deed in his favour. He has also enclosed a copy of the patta passbook which indicates the petitioner as the owner of the property bearing Survey Nos.225/2, 225/3 and 132/2A. Copies of the relevant subdivision orders are also enclosed. Therefore, the petitioner should appear at the inquiry, produce all these documents and provide an explanation to the first respondent. Needless to say, if relevant documents are produced and an explanation provided, the first respondent is under an obligation to consider the aforesaid before taking a decision in the matter.

6. Therefore, no case is made out to quash the impugned notice. However, as indicated above, the petitioner is permitted to participate at the inquiry and produce all relevant documents in support of his title and interest in the relevant property. In addition, it is just and necessary that the inquiry be concluded within a reasonable time.

7. Accordingly, without going into the merits of the matter, the first respondent herein is directed to proceed with the pending inquiry after providing a reasonable opportunity to the petitioner and the fifth respondent herein. Such inquiry shall be concluded within a period of three (3) months from the date of receipt of a copy of this order by issuing a reasoned order.



8. W.P.(MD).No.16551 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD).Nos.13427 and 13430 of 2021 are closed.

Sd/-

Assistant Registrar (AE)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

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 Sub Collector,
O/o. The Sub Collector,
Pattukottai,
Thanjavur District.
- 2.The Tashildar,
Pattukottai Taluk,
Thanjavur District.
- 3.The Village Administrative Officer,
Athiramapattinam Village,
Thanjavur District.
- 4.The Inspector of Police,
Athiramapattinam Police Station,
Thanjavur District.

+1 CC to M/s.SPL. GP (SR-29468[F] dated 17/09/2021)

W.P (MD) No.16551 of 2021
16.09.2021

PS (CO)
KB (27.09.2021) 3P 6C