



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.2110 of 2022 and  
W.M.P.Nos.2273 and 2275 of 2022

1.J.Pavalakodi  
2.Nithya (Minor) ... Petitioners  
rep.by her Mother Natural Guardian  
and next friend J.Pavalakodi.

Vs.

1.The Deputy Collector Nort-Revenue,  
Government of Pondicherry,  
Pondicherry.

2.Tahsildar,  
Taluk Office,  
Government of Pondicherry,  
Pondicherry.

3.Samy Marie Agnes Schila ... Respondents

Prayer : Writ Petition filed under Article 226 of the  
Constitution of India for issuance of a Writ of Certiorari, to  
call for the notice No.4558/TOP/PGR/E/2021 dated 15.11.2021 on  
the file of the 2<sup>nd</sup> respondent and quash the same.

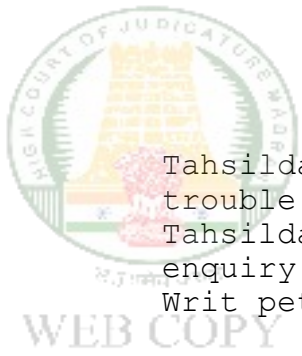
For Petitioners : M/s.Fox Mandal and Associates  
For R1 & R2 : Mr.J.Kumaran  
Additional Government Pleader  
(Pondicherry)

O R D E R

The writ petition has been filed for issuance of a Writ  
of Certiorari, to call for the notice No.4558/TOP/PGR/E/2021  
dated 15.11.2021 on the file of the second respondent and quash  
the same.

2. The case of the petitioner is as follows:

The petitioner is the second wife of one Samy Joseph, who  
has already married one Samy Marie Agnes Schila. After getting  
divorce, the marriage was performed with the present petitioner.  
The said Samy Marie Agnes Schila made a complaint before the



Tahsildar that the petitioner and other persons are giving trouble to her life as well as to her property. In turn, Tahsildar issued a notice to the petitioner for conducting enquiry vide order dated 21.12.2021. Challenging the same, this Writ petition has been filed.

3. The learned counsel appearing for the petitioners submitted that though the Tahsildar is the competent authority to decide the issues between the parties, contrary to that, the Tahsildar has issued a show case notice to the petitioner, at the instigation of the Samy Marie Agnes Schila, which is not a sustainable one. However, this Court is inclined to grant liberty to the petitioner to participate in the enquiry, if any adverse order is passed against them.

4. Considering the above, without expressing any opinion on the merits of the case, this court is inclined to grant liberty to the petitioners to participate in the enquiry before the Tahsildar/second respondent and the second respondent is directed to proceed with the matter and pass appropriate orders. However, if the petitioners are aggrieved by the order passed by the second respondent, liberty is granted to challenge the order in the manner known to law. The second respondent is directed to conduct the enquiry within a period of twelve weeks by giving an opportunity to Samy Marie Agnes Schila/ 3<sup>rd</sup> respondent.

5. Accordingly, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

psa/jd

To

1.The Deputy Collector Nort-Revenue,  
Government of Pondicherry,  
Pondicherry.

2.The Tahsildar,  
Taluk Office,  
Government of Pondicherry,  
Pondicherry.

+1cc to M/s.Fox Mandal, Advocate, S.R.No.8541

+1cc to the Government Pleader(Pondicherry), S.R.No.8365

W.P. No.2110 of 2022

GPL(CO)

SB(10/03/2022)