

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.41056 of 2015

And

W.M.P.No.25528 of 2016 and M.P.No.1 of 2015

1.Paramasivam
2.P.Sivakumar

... Petitioners

Vs.

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

2.The Thasildar,
Tiruppur Taluk,
Tiruppur District.

3.Tmt.Pusbhawathi

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari call for records relating to the impugned proceedings issued by the first respondent Na.Ka.2898/2015/A2 dated 12.08.2015 and quash the same.

For Petitioners : M/s.K.T.S.Sivakumar

For Respondents : Mr.V.Veluchamy for R1 and R2
Additional Government Pleader
M/s.K.S.Karthik Raja for R3

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Certiorari calling for the records relating to the impugned proceedings issued by the first respondent in Na.Ka.2898/2015/A2 dated 12.08.2015 and to quash the same.

2.The case of the petitioners is that the third respondent preferred appeal before the first respondent challenging the patta granted in favour of the petitioners and thereafter the impugned summons came to be issued. Aggrieved by the same, the petitioners have filed this writ petition.

3.The learned counsel appearing for the petitioner fairly submitted that summons cannot be challenged at the threshold. Hence, this Court may permit the petitioners to participate in the appeal proceedings before the first respondent and issue direction to

the first respondent to pass appropriate orders, after providing opportunity to the petitioners as well as the private respondent.

4.The learned counsel appearing for the third respondent submitted that already the petitioners filed suit for Declaration in O.S.No.247 of 2015 before the Subordinate Court, Tiruppur, as against the third respondent and the third respondent filed I.A.No.685 of 2015 in O.S.No.247 of 2015 seeking rejection of the plaint and the said interlocutory application was allowed by the learned Principal Subordinate Judge, Tiruppur on 25.04.2017. Hence, no further adjudication is necessary in the writ petition.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.The third respondent preferred appeal before the first respondent challenging the patta granted in favour of the petitioners and thereafter the impugned summons came to be issued. Summons cannot be challenged at the threshold and hence, the relief sought for in this writ petition cannot be granted.

7.However, considering the limited relief now sought for by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, directs the first respondent to conclude the enquiry in the appeal preferred by the third respondent, and after providing opportunity to the petitioners as well as the third respondent, pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

8.With the above observations, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

26.04.2022

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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

2.The Thasildar,
Tiruppur Taluk,
Tiruppur District.

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M.DHANDAPANI,J.
pri

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