



W.P.No.3340 of 2016

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 29.06.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.No.3340 of 2016**

**And**

**W.M.P.No.2749 of 2016**

S.Mayakrishnan

... Petitioner

Vs.

1.The Thasildar,  
Villupuram Taluk,  
Villupuram.

2.M.Kannan  
3.M.Ganesan

... Respondents

**Prayer:**

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the impugned notices dated 30.12.2015 made in Na.Ka.No.A3/15823/2015 and Na.Ka.No.A3/2547/2015 on the file of the first respondent, to quash the same.

For Petitioner : M/s.D.S.Thirumavalavan  
For Respondents : Mr.P.Sathish for R1  
Additional Government Pleader  
M/s.C.Munusamy for R2 and R3



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**ORDER**

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records relating to the impugned notices dated 30.12.2015 made in Na.Ka.No.A3/15823/2015 and Na.Ka.No.A3/2547/2015 on the file of the first respondent and to quash the same.

2.The case of the petitioner is that the petitioner is the owner of the disputed property, however, one Marimuthu filed a suit as against the petitioner in O.S.No.454 of 2008 before the District Munsif Court, Villupuram for declaration of title and permanent injunction. The said suit was decreed on 23.03.2011. Aggrieved by the same, the petitioner filed appeal in A.S.No.57 of 2011 before the learned I Additional Subordinate Judge, Villupuram and the said appeal was dismissed on 03.03.2014. Challenging the same, the petitioner filed S.A.No.425 of 2014 before this Court and the same is pending.

3.The further case of the petitioner is that while such being the position, the respondents 2 and 3 filed W.P.Nos.36285 and 36286 of 2015 before this Court seeking direction to the first respondent to



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consider their representations and to make subdivision by measuring the disputed property and this Court vide order dated 16.11.2015 made in the said writ petitions directed the first respondent to take necessary action based on their representations and thereafter the impugned notices came to be issued. Aggrieved by the same, the petitioner has filed this writ petition.

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

5.The facts in the case is not in dispute. Admittedly, the respondents 2 and 3 filed W.P.Nos.36285 and 36286 of 2015 before this Court seeking direction to the first respondent to consider their representations and to make subdivision by measuring the disputed property and this Court vide order dated 16.11.2015 made in the said writ petitions directed the first respondent to take necessary action based on their representations and thereafter the impugned notices/summons came to be issued.

6.This Court in a catena of judgments has held that summons



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cannot be challenged at the threshold and hence, the relief sought for in this writ petition cannot be granted. However, this Court, directs the first respondent to conclude the enquiry in the impugned notices dated 30.12.2015, and after providing opportunity to the petitioner as well as respondents 2 and 3, pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

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

**29.06.2022**

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1. The Thasildar,  
Villupuram Taluk,  
Villupuram.



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**M.DHANDAPANI,J.**  
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**29.06.2022**