



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.10386 OF 2014

AND

M.P.NO.1 OF 2014 AND WMP.NO.35084 OF 2017

K.Sumathi

...Petitioner

Vs.

- 1.The Sub Collector,
O/o.Sub Collector,
Ariyalur District, Ariyalur.
- 2.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Ariyalur Taluk, Ariyalur District.
- 3.The Tahsildar,
Ariyalur Taluk,
Ariyalur District.

4.Poyyamozi

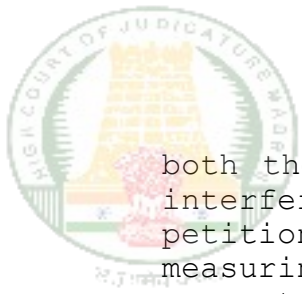
...Respondents

PRAYER : The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Certiorari and Mandamus to call for the records relating to notice dt 3.3.2014, bearing No. NaKa. A4/3960/2013, issued by the 1st respondent and notice dt 28.1.2014, bearing No. NaKa. A4/3970/2013 issued by the 2nd respondent and to quash both the Notices and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner in lands comprised in Survey Nos. 320/6 and 163/2 measuring to an extent of 0.36.50 hectares and 0.61.0 hectares, respectively situated at Thelur Village, Ariyalur Taluk, Ariyalur District.

For Petitioner	:	Mr.Pradeep Shankar for Mr.C.Prabakara
For Respondents	:	Mr.A.Anandan Government Advocate

O R D E R

The petitioner has filed this Writ Petition for issuance of Writ of Mandamus to call for the records relating to notice dt 3.3.2014dt 28.1.2014, issued by the 2nd respondent and to quash



WEB GATES

both the Notices and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioner in lands comprised in Survey Nos. 320/6 and 163/2 measuring to an extent of 0.36.50 hectares and 0.61.0 hectares, respectively situated at Thelur Village, Ariyalur Taluk, Ariyalur District.

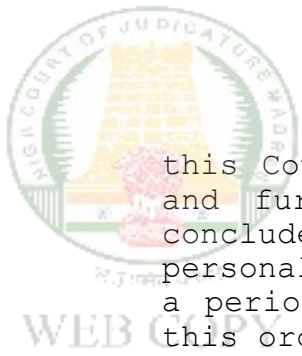
2. The case of the petitioner is that the petitioner was in possession and enjoyment of his ancestral property in S.F.Nos.320/6 and 163/2 measuring to an extent of 0.36.50 hectares and 0.61.0 hectares, respectively situated at Thelur Village, Ariyalur Taluk, Ariyalur District and the revenue records of the said lands were mutated in his name. While being so, the petitioner has received notices dated 28.01.2014 and 03.03.2014 from the respondents 1 and 2 alleging that the petitioner had illegally obtained assignment of the said lands and called for enquiry to be conducted at the office of the respondents 1 and 2 on 03.02.2014 and 10.03.2013. On perusal of the said notice, it was revealed that the said notice was issued by the respondents 1 and 2 based on the representation of the 4th respondent, who was the rivalry contestant in the local body election for the post of President, against the husband of the petitioner. Aggrieved by the same, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that triggered by the failure in the local body election, the 4th respondent has made wrong allegations against the petitioner and the respondents are continuously trying to cancel the patta and hence prays for allowing of this petition.

4. The learned Government Advocate appearing for the official respondents submitted that it is only a show cause notice, which cannot be challenged at the threshold. If at all the petitioner is having grievance, he may be permitted to produce all the relevant documents at the time of enquiry and prays for dismissal of this petition.

5. It is the claim of the petitioner that though she is the absolute owner of the property and having revenue records in her name, the respondents 1 and 2 has issued the impugned show cause notices, calling upon the petitioner for enquiry regarding the validity and genuineness of revenue records made in the petitioner's name. On perusal of the impugned order, this Court is of the opinion that the impugned order is only a show cause notice. The petitioner shall prove his bonafide title over the property by producing relevant documents before the respondents 1 and 2, at the time of enquiry.

6. In view of the above, there is no grievance to be redressed for the petitioner in the present petition and hence



this Court is not inclined to interfere with the impugned order and further this Court directs the respondents 1 and 2 to conclude the proceedings, after affording an opportunity of personal hearing to the petitioner and the 4th respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

7. For the reasons aforesaid, this Writ Petition is dismissed. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Sub Collector,
O/o.Sub Collector,
Ariyalur District, Ariyalur.
- 2.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Ariyalur Taluk, Ariyalur District.
- 3.The Tahsildar,
Ariyalur Taluk,
Ariyalur District.

+1cc to the Government Pleader, S.R.No.16239

W.P.No.10386 of 2014

GPL(CO)
RVM(28/03/2022)