



WEB COPY



WP.No.27760 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.27760 of 2022
and W.M.P.No.27054 of 2022

K.Maniammal

.. Petitioner

Versus

1.The District Collector
Salem Collectorate
Salem

2. The Revenue Divisional Officer
Salem

3.R.Ramasundaram

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling upon for the records of the 2nd respondent comprised in Na. Ka. No. 2737 / 2022 / A3 dated 01.07.2022 and consequential notice dated 1/8/2022 quash the same illegal without jurisdiction and consequently direct the respondents to await the outcome of Civil proceedings in S.A. No. 210 of 2018 pending on the file of this Honorable Court for mutation of revenue records.

For Petitioner : Mr.S.Ramesh
For Respondents : Mr.U.Bharanidharan for R1 - R2
Additional Government Pleader

ORDER

This writ petition is filed challenging the order of the 2nd respondent

comprised in Na. Ka. No. 2737 / 2022 / A3 dated 01.07.2022 and



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consequential notice dated 1/8/2022 quash the same illegal without jurisdiction and consequently direct the respondents to await the outcome of Civil proceedings in S.A. No. 210 of 2018 pending on the file of this Honorable Court for mutation of revenue records.

2.The case of the petitioner is that the third respondent made complaint before the second respondent for eviction of encroachment allegedly made by the petitioner. Pursuant to which, the impugned summons is issued. Challenging the said summons, this writ petition is filed.

3. The learned counsel for the petitioner submitted that already the very same property dispute is at loggerheads between the petitioner and the third respondent which has resulted in filing a suit in O.S.No.214 of 2002 filed by the mother of the third respondent on the file of the 1st Additional District Munsiff, Salem seeking for mandatory injunction to remove all the PVC pipes inserted downward on the eastern side wall of the defendants therein, collecting the suit drainage and any other construction put over the suit drainage. The said suit was dismissed on 29.04.2003. Against which, the third respondent's mother filed an appeal in A.S.No.94 of 2003 on the file of the learned Additional District Judge, Salem and the same was allowed on 07.09.2017. Against which, the petitioner



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and her husband preferred S.A.No.210 of 2018 before this Court which is pending for adjudication. Hence, seeks for appropriate orders of this Court.

4. Though very many grounds raised, the learned counsel for the petitioner submitted that the petitioner has no objection in appearing before the second respondent and further seeks this Court for a direction to conduct proper and fair enquiry.

5. Heard the learned Additional Government Pleader appearing for the respondents 1 and 2 and perused the materials available on record.

6. Since no adverse order is passed against the third respondent, notice is dispensed with.

7. Considering the consent view expressed by the petitioner, this Court without dwelling into the merits of this case, directs the second respondent to conduct enquiry, pass order(s) on merits and in accordance with law, after providing opportunity of hearing to the petitioner as well as any other interested parties, within a period of twelve weeks from the date of receipt of copy of this order.



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WEB COPY 8. With the above direction, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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dhk

Index: Yes/No

Internet: Yes/No

To

1. The District Collector
Salem Collectorate
Salem

2. The Revenue Divisional Officer
Salem

M. DHANDAPANI, J.



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