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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28733 of 2022

Siva.Nedunchezhian ... Petitioner

Vs.

1.The Secretary to the Government of Tamilnadu,
Secretariat,
Fort St.George,
Chennai – 600 009.

2.The Commissioner of Revenue Administration,
Ezhilagam,
Chepauk,
Chennai.

3.The District Collector,
Office of the District Collector,
Perambalur District.

4.Niraimathi Chandramohan
5.A.Punniamoorthy ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to take necessary action against the respondents 4 and 5 for committing illegal acts with regard to manipulation of Government files which

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specifically assigned to A2 seat clerk at the fourth respondent office on the basis of the petitioner representation dated 02.04.2022.

For Petitioner : Mr.K.Sathishkumar
For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 to 3 to take necessary action against the respondents 4 and 5 for committing illegal acts with regard to manipulation of Government files which specifically assigned to A2 seat clerk at the fourth respondent office on the basis of the petitioner representation dated 02.04.2022.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the property in S.No.25/12B, however, it was wrongly subdivided and patta was granted in favour of one Kuppusamy. Hence, the petitioner made representation to the Revenue Officials seeking cancellation of patta granted in favour of the said Kuppusamy.

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3.The learned counsel appearing for the petitioner further submitted that the said Kuppusamy filed a suit in O.S.No.107 of 2014 for injunction before the District Munsif Court at Perambalur and the said suit was dismissed. In the meanwhile, the said Kuppusamy filed writ petition in W.P.No.29736 of 2014 before this Court seeking the relief of restraining the Revenue Officials from conducting enquiry on the petitioner's representation and this Court passed an order stating that only after the outcome of the pending civil suit, enquiry can be conducted. However, even after dismissal of the suit filed by the said Kuppusamy, the Revenue Officials did not take any steps for conducting enquiry.

4.The learned counsel appearing for the petitioner further submitted that thereafter the petitioner filed W.P.No.22912 of 2019 before this Court seeking direction to the Revenue Officials to conduct enquiry and to pass appropriate orders and this Court passed an order directing the Authorities to conduct enquiry and to pass appropriate orders. In the meanwhile, the said Kuppusamy filed I.A.No.1 of 2022 in O.S.No.107 of 2014 for restoration of the suit with condone delay petition. Thereafter, the fourth respondent

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passed an order dated 14.03.2022 directing the petitioner to work out the remedy before the civil Court since interlocutory application is pending.

5.The learned counsel appearing for the petitioner further submitted that since there was malpractices done by the fifth respondent in collusion with the fourth respondent, the petitioner made detailed representation to the respondents seeking to take necessary action against the fifth respondent. Thereafter, the fourth respondent issued notice to the petitioner directing the petitioner to appear for enquiry. Aggrieved by the same, the petitioner has filed this writ petition.

6.The learned counsel appearing for the petitioner further submitted that O.S.No.107 of 2014 filed by Kuppusamy was already dismissed and only interlocutory application for restoration of the same is pending, which will not deprive the rights of the petitioner. Hence, this Court may grant liberty to the petitioner to file revision before the District Revenue Officer, as against the order of the fourth respondent dated 14.03.2022. He further submitted that enquiry

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proceedings have already been initiated against the fifth respondent. Hence, this

Court may issue direction to the third respondent to conclude the enquiry proceedings as against the fifth respondent, within a reasonable time frame.

7.The learned Additional Government Pleader submitted that enquiry initiated as against the fifth respondent will be concluded in the manner known to law.

8.Heard the submissions made by the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the Official respondents. Since, this Court is not inclined to pass any adverse order as against the private respondents, notice to the private respondents is dispensed with.

9.Considering the limited request now made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, grants liberty to the petitioner

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to file revision before the District Revenue Officer, as against the order of the fourth respondent dated 14.03.2022. This Court directs the third respondent to conclude the enquiry proceedings as against the fifth

respondent, after providing opportunity to the fifth respondent and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

10.The writ petition is accordingly disposed of. No costs.

03.11.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1.The Secretary to the Government of Tamilnadu,
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Chennai – 600 009.

2.The Commissioner of Revenue Administration,
Ezhilagam,
Chepauk,
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3.The District Collector,
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M.DHANDAPANI,J.
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