



W.P.No.29043 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

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

W.P.No.29043 of 2022
and W.M.P.No.28331 of 2022

1.K.Sakthikumar @ Vijayaraghaven
2.R.Dhanabal

...Petitioners

Vs.

1.The District Collector,
Coimbatore, Collectorate District.

2.The Revenue Divisional Officer,
Coimbatore South,
Collectorate District.

3.The Tahsildar,
Sulur, Collectorate District.

4.R.Manoharan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records on the file of 2nd respondent in his proceedings in Na.Ka.No.5593/2022/A2 enquiry notice dated 23.09.2022 for the property comprised in Survey No.614/1E2A1C situated at Karumathampatti Village, Sulur Taluk, Coimbatore District and quash the same.

For Petitioner : Mr.S.Kumaresan



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For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

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ORDER

The petitioner has filed this petition challenging the proceedings in Na.Ka.No.5593/2022/A2 enquiry notice dated 23.09.2022 made by the 2nd respondent and to quash the same.

2.Since no adverse order is being passed as against the 4th respondent, notice to the 4th respondent is dispensed with.

3.The case of the petitioners is that their great grandfather one Periya Gounder has two wives. The 1st wife's son Periya Marappa Gounder has got one son namely Ramasamy and two daughters. The said Ramasamy has Rangasamy, Thulasimani and Manohar as his legal heirs. The said Manohar being the 4th respondent herein initiated multiple legal proceedings against the petitioners for the property which was separately purchased, possessed and inherited by the great grandfather's 2nd wife's legal heirs on the basis of name resemblances.

4.Learned counsel for the petitioner further submits that their great grandfather Chinna Marappagounder purchased 3 acres 99 ½ Cents vide



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Document No.3810 of 1914 and the same was inherited by his son Marappagounder, who in turn, executed a Will in favour of the 1st petitioner and the 2nd petitioner filed a suit in O.S.No.379 of 2016 on the file of the Principal Sub Court, Coimbatore, seeking partition and the same was decreed vide order dated 27.02.2019 in respect of the property in S.No.614/1E total extent of 3 acres 99 ½ Cents situated at Karumathampatti Village, Majara Sekudanthali, Inam Survey No.614, Suler Taluk, Coimbatore District, subsequently, registered on the file of SRO, Suler. While so, taking advantage of the same, the 4th respondent herein filed three suits in O.S.No.1472 of 2014, renumbered as O.S.No.1071 of 2017 pending on the file of the District Munsif Court, Suler seeking for the relief of declaring the partition as null and void for the property which was purchased by the maternal grandmother which is in no way connected with the present schedule of the property. Another suit in O.S.No.8 of 2021 was filed against the petitioners herein on the file of the District Munsif Court, Suler seeking a relief of declaring compromise final decree passed in I.A.No.3 of 2019 in O.S.No.379 of 2016. Third O.S.No.160 of 2021 seeking relief of declaring sale agreement executed by the 1st petitioner dated 22.09.2021 and subsequent Power of Attorney. In such circumstances, the 4th respondent herein without any valid title of inheritance filed the above three suits on the file of the District Munsif Court, Suler and consequently, the 4th respondent filed an application to the 2nd



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respondent for cancellation of sub division of patta in S.No.614/1E2A1C and the 2nd respondent issued an enquiry notice dated 23.09.2022 in Na.Ka.No.5593/2022/A2 calling for the enquiry and hence, the present Writ Petition is filed.

5.Learned counsel for the petitioners submits that the 4th respondent made an application RDO to rectify the sub division in S.No.614/1E2A1C. Pursuant to which the Revenue Divisional Officer issued an enquiry notice on 23.09.2022. Challenging the same the present Writ Petition is filed. The learned counsel for the petitioners further submitted that already a Civil Suit held in favour of the petitioner, even then the 2nd respondent issued a notice which is not a sustainable one. However, he would submit that this Court may issue a direction to the respondents to provide an opportunity to the petitioner to enable them to participate them in the enquiry

6.Mr.U.Bharanidharan, the learned Additional Government Pleader appearing for the respondents 1 to 3 submits that if any direction is given by this Court, the same will be complied with.



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7. In view of the aforesaid submissions and having regard to the limited prayer sought for in this Writ Petition, this Court without expressing any opinion on the merits of the case directs the 2nd respondent to conduct an enquiry after providing necessary opportunity to the petitioner as well as the private respondent, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. This Writ Petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03.11.2022

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

To

1. The District Collector,
Coimbatore, Collectorate District.
2. The Revenue Divisional Officer,
Coimbatore South,
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3.The Tahsildar,
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M.DHANDAPANI,J.

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