



WEB COPY



W.P.No.30951 of 2022 &
WMP.Nos30339 & 30340 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.30951 of 2022
and
WMP.Nos.30339 & 30340 of 2022**

P. Velusamy

....Petitioner

Vs.

1. The District Collector of Kallakurichi,
Kallakurichi.

2.The Revenue Divisional Officer,
Kallakurichi.

3.The Revenue Tahsildar,
Kallakurichi.

4.P.K.Mohan

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the Enquiry Call Letter Na.Ka.No.A4/3874/2022 dated 11.11.2022 of the 2nd respondent and to quash the same.

For petitioner

: Mr.T.Dhanasekaran



WEB COPY



W.P.No.30951 of 2022 &
WMP.Nos30339 & 30340 of 2022

For Respondents : Mr.U.Baranidharan for R1 to R3
Additional Government Pleader
Mr.Manoharan for R4.

ORDER

This Writ Petition has been filed by the petitioner to issue a Writ of Certiorari to call for the records pertaining to the Enquiry Call Letter Na.Ka.No.A4/3874/2022 dated 11.11.2022 of the 2nd respondent and to quash the same.

2. The case of the petitioner is that one K.Sundarambal sold the lands measuring 2.00 Acres comprised in S.No.299/3A and 1.00 Acre comprised in S.No.299/3B1 and 1.50 Acres comprised in S.No.299/5A situated in Ulangankathan Village, Kallakurichi District to the petitioner by a Sale Deed dated 14.06.2021, registered as Doc.No.1064 of 2021 at No.1, Joint Sub-Registrar, Kallakurichi. Thereafter, the petitioner came to know that the 4th respondent filed a suit in OS.No.234 of 2017 and OS.No.110 of 2022 before the Principal District Munsif Court, kallakurichi against the said K.Sundarambal and others. When the above suits are pending, the 4th respondent filed a petition to the 2nd respondent on 07.10.2022 to cancel the



W.P.No.30951 of 2022 &
WMP.Nos30339 & 30340 of 2022

WEB COPY

patta No.2037 covering the lands measuring 0.80 Hectares comprised in S.No.299/3B1 and the land measuring 1.02.0 Hectares comprised in S.No.299/5A and also patta No.2094 covering the land measuring 1.62.0 Hectares comprised in S.No.299/3A, situated in Ulagankathan Village, Kallakurichi District, as the same is issued wrongly. Thereafter, the 2nd respondent herein directed the petitioner to appear before him on 15.11.2022 with all relevant title documents, revenue documents, encumbrance certificate along with other documents and the petitioner appeared as called for by him. He further submitted that the two Suits are pending before the District Munsif Court, Kallakurichi, in respect of the same lands. The main apprehension of the petitioner is that the 2nd respondent may cancel the patta Nos.2094, 2447 and 2448 issued to him. Aggrieved by the same, the present Writ petition has been filed by the petitioner.

3. The learned counsel for the petitioner would submit that at the instance of the private respondent, the Revenue Divisional Officer issued summons to the petitioner for cancellation of patta.



W.P.No.30951 of 2022 &
WMP.Nos30339 & 30340 of 2022

WEB COPY

4. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader for the respondents 1 to 3 and the learned counsel for the 4th respondent and perused the materials available on record.

5. A perusal of the materials available on record reveals that with regard to the same issue, a suit in OS.No.234 of 2017 and OS.No.110 of 2022 are pending before the District Munsif Court, Kallakurichi against the said K.Sundarambal and others, which fact is not disputed. This clearly reveals that the issue on hand is purely civil in nature.

6. It is evident from the above that suits are pending before the Civil Court. In such view of the matter, this Court without interfering with the impugned notice grants liberty to the petitioner to produce all the necessary documents before the Revenue Divisional Officer at the time of enquiry and upon perusing the same, the Revenue Divisional Officer is directed to conduct enquiry by affording an opportunity of hearing to the petitioner and also to the 4th respondent and pass appropriate order on merits and in accordance with law keeping in mind the suits that are pending adjudication.



W.P.No.30951 of 2022 &
WMP.Nos30339 & 30340 of 2022

WEB COPY

7. The Writ Petition is dismissed with the aforesaid direction.

Consequently, connected miscellaneous petitions are closed. No costs.

01.12.2022

Index : Yes/No

Internet : Yes/No

gv



W.P.No.30951 of 2022 &
WMP.Nos30339 & 30340 of 2022

M.DHANDAPANI.,J.
WEB COPY

gv

To

1. The District Collector of Kallakurichi,
Kallakurichi.
2. The Revenue Divisional Officer,
Kallakurichi.
3. The Revenue Tahsildar,
Kallakurichi.
4. The Public Prosecutor,
High Court, Madras.

W.P.No.30951 of 2022
and
WMP.Nos.30339 & 30340 of 2022

01.12.2022