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W.P.No.32903 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 08.12.2022**

**CORAM :**

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**

**Writ Petition No.32903 of 2022**  
**and WMP.Nos.32305 & 32307 of 2022**

1. Azhaganandam
2. Thamizharasi

... Petitioners

-Vs-

1. Divisional Deputy Tahsildar,  
Cuddalore – 607 001.
2. The Tahsildar,  
Cuddalore – 607 001.
3. Mr.Ranga Udayakumar

... Respondents

Prayer : Writ Petitions under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, call for the records and quash the proceeding of the 1<sup>st</sup> respondent in his Na.Ka.A1/2667/2022 dated 21.07.2022.

For Petitioner : Mr. D.Baskar

For Respondents : Mr.V.Veluchamy  
Additional Government Pleader



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**ORDER**

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The prayer sought for in this writ petition is for a writ of certiorari to quash the impugned proceeding of the 1<sup>st</sup> respondent in Na.Ka.A1/2667/2022 dated 21.07.2022.

2. Insofar as the property at S.No.108/3 to the extent of 1.29 acres at a village called Kumarappa Reddy Chavadi is concerned, it seems that the third respondent had given a complaint against the petitioner before the first respondent to cancel the patta already been issued in the name of the petitioner.

3. In order to consider the same, the first respondent wanted to conduct an enquiry, therefore, a summon has been issued by him to the petitioner on 21.07.2022.

4 According to Mr.D.Baskar, learned counsel appearing for the petitioner, the petitioner in fact attended the enquiry on 13.09.2022, where he sought for certain documents including the complaint allegedly given by the third respondent, but those documents have not been furnished to the petitioner. Therefore, according to the learned counsel



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for petitioner, the enquiry was not full-fledgedly conducted, therefore, based on which, no final order can be passed and moreover it was informed to the petitioner that further summons would be issued, but for the past two months no such summons have been issued. Therefore, at this juncture, the petitioner has chosen to challenge the very impugned summon dated 21.07.2022.

5. Heard Mr.V.Velusamy, learned Additional Government Pleader appearing for the respondents, who would submit that, if enquiry has already been conducted by the first respondent pursuant to the impugned summon, if any further input is to be received and verified from the petitioner that would be obtained from the petitioner and after hearing the objections of the petitioner, orders would be passed by the first respondent. In this regard, if the copy of the complaint of the third respondent is to be furnished to the petitioner, that would also be undertaken by the first respondent. At any rate, since the enquiry is already commenced or completed, based on which, orders would be passed finally by the first respondent within a time frame that may be stipulated by this Court.



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6. Having considered the submissions made by the learned counsel appearing for both sides and taking into account of the aforesaid factual matrix as projected by both sides, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ That there shall be a direction to the first respondent to furnish the copy of the complaint of the third respondent to the petitioner forthwith and thereafter, after receiving the objections, if any from the petitioner, final order can be passed on the complaint given by the third respondent.
- ◆ The aforesaid needful shall be undertaken by the 1<sup>st</sup> respondent within a period of four(4) weeks from the date of receipt of a copy of this order.

With these directions, this writ petition is disposed of. No costs.

Connected miscellaneous petitions are closed.

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Index : Yes/No  
Internet : Yes/No  
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To

1. Divisional Deputy Tahsildar,  
Cuddalore – 607 001.
2. The Tahsildar,  
Cuddalore – 607 001.



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**R. SURESH KUMAR, J.**

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**08.12.2022**