



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD) .No.209, 218 and 262 of 2022

and

W.M.P(MD) Nos.149, 158 and 201 of 2022

W.P(MD)No.209 of 2022

R.Pandiganesh

...Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Sub Collector,
O/o.Sub Collector,
Periyakulam,
Theni District.

3.The Tahsildar,
Periyakulam Taluk Office,
Periyakulam,
Theni District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the entire records, pertaining to the impugned summon, issued by the second respondent on 29.12.2021, in Na.Ka.No.4575/2021/21 and quash the same as illegal and consequently to forbear the respondents from disturbing the petitioner's peaceful possession and enjoyment over the property, situated in S.Nos.654/2 and 654/3 to the entire extent of 4 acres (0.81.0 Ares + 0.81.0 Ares respectively), which covered in Patta No.8754, in Jeyamangalam Village, Periyakulam Taluk, Theni District.

For Petitioner
For Respondents

: Mr.K.Neelamegam
: Mr.N.Satheesh Kumar
Additional Government Pleader

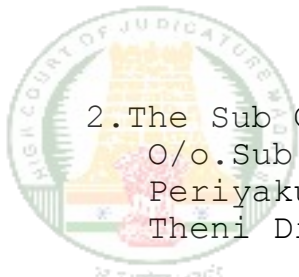
W.P(MD)No.218 of 2022

O.Thangapandian

...Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.



2.The Sub Collector,
O/o.Sub Collector,
Periyakulam,
Theni District.

3.The Tahsildar,
Periyakulam Taluk Office,
Periyakulam,
Theni District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the entire records, pertaining to the impugned summon, issued by the second respondent on 29.12.2021, in Na.Ka.No.4575/2021/௨1 and quash the same as illegal and consequently to forbear the respondents from disturbing the petitioner's peaceful possession and enjoyment over the property, situated in S.No.881/2 to the extent of 2 acres (0.81.0 Ares), which covered in Patta No.8780, in Jeyamangalam Bit 1 Village, Periyakulam Taluk, Theni District.

For Petitioner	:	Mr.K.Neelamegam
For Respondents	:	Mr.S.Kameswaran Government Advocate

W.P (MD) No.262 of 2022

C.Ochappan

...Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Sub Collector,
O/o.Sub Collector,
Periyakulam,
Theni District.

3.The Tahsildar,
Periyakulam Taluk Office,
Periyakulam,
Theni District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the entire records, pertaining to the impugned summon, issued by the second respondent on 29.12.2021, in Na.Ka.No.4575/2021/௨1 and quash the same as illegal and consequently to forbear the respondents from disturbing the petitioner's peaceful possession and enjoyment over the property,



situated in S.No.884/2 to the entire extent of 2 acres (0.81.0 Ares), which covered in Patta No.8779, in Jeyamangalam Bit 1 Village, Periyakulam Taluk, Theni District.

For Petitioner : Mr.K.Neelamegam
For Respondents : Mr.S.Kameswaran
Government Advocate

C O M M O N O R D E R

The Writ Petitions have been filed in the nature of Certiorarified Mandamus, seeking interference with summons issued to the petitioners by the second respondent on 29.12.2021, seeking appearance for an enquiry.

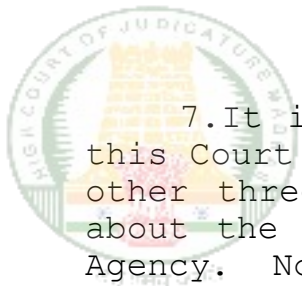
2.One Writ Petition, namely, W.P(MD)85 of 2022, of a similar nature filed with respect to similar issues had come up before me for admission, and this Court had dismissed the said Writ Petition on 05.01.2022, directing the petitioner therein, to appear for enquiry. Immediately, thereafter, another set of three Writ Petitions came up for admission. At that time, I was informed that a criminal case had also been registered, but the First Information Report number was not given. I had directed the learned Additional Government Pleader to furnish that detail and the matter was adjourned.

3.In those Writ Petitions also similar notices had been issued by the second respondent, directing the petitioners to appear for enquiry. It is only in the interest of the petitioners that they appear for enquiry.

4.This Court can never come to any conclusion on the facts as presented by the petitioners and full liberty is given to the petitioners to place all records before the enquiring officer and I am confident that he/she would examine them in manner known to law.

5.I am informed that with respect to all these issues Crime Nos.1 of 2022, 2 of 2022 and 3 of 2022, had been registered by the CBCID at Theni. The original First Information Report was registered by the District Crime Branch at Theni. These have been registered on 04.01.2022 under Sections 460, 465, 466, 468, 471, 472, 477(A), 109 of Indian Penal Code and also various provisions under the Prevention of Corruption Act, 1988 including the 13(1)(c), 13(1)(d)(i) read with 13(2) and 13(1A) read with 13(2) of the Prevention of Corruption Act, 1988.

6.In view of all these facts, it will only be appropriate that the Court refrains from being an enquiry officer and relegates that particular privilege to the second respondent and direct the second respondent to make necessary enquiry on the notices issued by him/her to the petitioners to appear for enquiry.



7.It is stated by the learned Counsel for the petitioners that this Court had earlier dismissed one Writ Petition and adjourned the other three Writ Petitions. That was to obtain necessary details about the First Information Report registered by the Investigating Agency. Now, those details are available.

8.With the above observation, this Writ Petitions stands dismissed. No costs. Consequently, the connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Theni District,
Theni.
- 2.The Sub Collector,
O/o.Sub Collector,
Periyakulam,
Theni District.
- 3.The Tahsildar,
Periyakulam Taluk Office,
Periyakulam,
Theni District.

+1 CC to M/s.SPL.GP (SR-1735, 1715 & 1675[F] dated 19/01/2022)

Order made in
W.P(MD) .Nos.209,
218 and 262 of 2022
12.01.2022

SJ(CO)

<https://hcservices.ecourt.gov.in/hcservices/P> 5C