



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2022

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.360 of 2022

and

W.M.P. (MD) .No.285 of 2022

G.Annadurai

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The District Inspection Cell Officer,
Collector Office Complex,
Ramanathapuram,
Ramanathapuram District.

3.T.Kumaravel,
The District Inspection Cell Officer,
Collector Office Complex,
Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned memos in ப.க.அ.பி 2/16478/2020 dated 10.11.2021 and 13.12.2021 issued by the second respondent and quash the same as illegal and without jurisdiction and consequently direct the first respondent to initiate legal action against the second respondent for his transgression.

For Petitioner : Mr.R.Gowrishankar

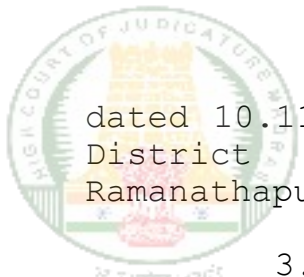
For R-1 and R-2 : Mr.S.Shanmugavel,

Additional Government Pleader

ORDER

Heard Mr.R.Gowrishankar, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader who had taken notice on behalf of the first and second respondents.

2. This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking to call for the records of two memos



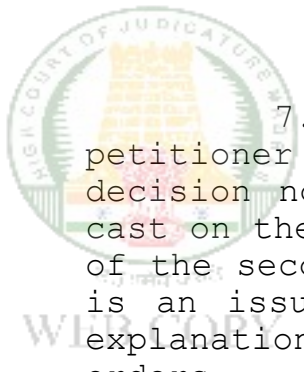
dated 10.11.2021 and 13.12.2021 issued by the second respondent/the District Inspection Cell Officer, Collector Office Complex, Ramanathapuram District and to set aside the same.

3. In the affidavit filed in support of the Writ Petition, it had been stated that the petitioner possesses agricultural punja lands measuring 3.14 acres in Survey No.172/1A in Solanthur Village, Ramanathapuram District. He claims that he had purchased the said land by three registered sale deeds dated 21.05.2008, 04.08.2009 and 06.01.2010 from lawful owners. He thereafter stated that the revenue records were also transferred in his name. He is doing paddy cultivation. When the petitioner tried to fence the lands, his neighbour prevented him. It had been stated that the adjacent land owners have been causing damages to the crops in the field.

4. The petitioner made an application to the Tahsildar to carry out survey and demarcate the lands. Since the adjacent land owners had raised objections, demarcation could not be done. The petitioner had also filed W.P.(MD).No.22754 of 2021 which is said to be pending before this Court.

5. Thereafter, a petition dated 30.05.2020 had been filed before the District Inspection Cell Officer, Collector Office Complex, Ramanathapuram alleging that the Tahsildar, R.S.Mangalam Taluk and the Village Administrative Officer, Solanthur Village had issued patta in favour of the petitioner with respect to property for which the adjacent land owners are claiming tenancy rights. It must also be mentioned that though the petitioner in the affidavit had been referring to, "adjacent land owners", the said adjacent land owners had neither be named nor shown as respondents in the Writ Petition. The reasons for not impleading the said adjacent land owners are known only to the petitioner. On that one ground itself, the writ petitioner will have to suffer an adverse order. It is stated that the second respondent pursuant to such petition had issued notices to the petitioner which are now impugned in the present Writ Petition.

6. The second respondent had filed a counter wherein he had stated that as a matter of fact, notices dated 10.11.2021 were issued to the petitioner to appear for an inquiry on 22.11.2021. The petitioner appeared and attended the said inquiry. He then sought documents to be given. Accordingly, the copy of the documents were given on the very same date and thereafter a further memo was issued dated 13.12.2021 seeking explanation. The petitioner again appeared on 29.12.2021 along with his counsel and thereafter the counsel filed a written statement before the second respondent. The second respondent now has the petition and the written statement and he had also complied with requirements to furnish documents. He now has to examine the records and pass necessary orders. At that stage, the Writ Petition has been filed.



7. The Writ Petition is not maintainable. It is for the petitioner to either further participate in the inquiry or take a decision not to participate in the inquiry. But an obligation is cast on the second respondent to pass necessary orders. Competency of the second respondent is questioned by the writ petitioner. That is an issue which he can take up before the said officer in his explanation and the official may examine that and pass necessary orders.

8. It is not for this Court to interfere during the stage of inquiry which is an ongoing process and I am confident that since principles of natural justice had been followed by issuing notices to the petitioner and the petitioner had also appeared, the present Writ Petition is only an excise in futility to drag on the issues and preventing the second respondent from taking a decision on the issue. The Writ Petition stands dismissed.

9. It is seen that the petitioner had also impleaded the second respondent in his personal capacity. In view of the fact that the Writ Petition has been dismissed, impleading the second respondent in his personal capacity will not give any additional relief to the petitioner. On the other hand, the petitioner should have impleaded the adjacent land owners about whom he had mentioned in the affidavit.

10. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

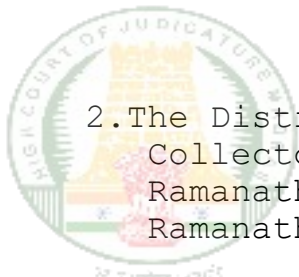
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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant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

To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Inspection Cell Officer,
Collector Office Complex,
Ramanathapuram,
Ramanathapuram District.

+1 CC to M/s.SPL.GP (SR-3337[F] dated 01/02/2022)

W.P. (MD) .No.360 of 2022
31.01.2022

SS (CO)
KB (15.02.2022) 4P 4C