



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.805 of 2022

and

W.M.P. (MD) .No.656 of 2022

WEB COPY

A.Suyambu

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

3.The Tahsildar,
Vilathikulam,
Thoothukudi District.

4.M.Anthonisamy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents No.1 to 3 from grant of patta to the fourth respondent and others in S.No.242/1B, in an extent of 7 Acres 50 Cents situated at Vembar Village, Vilathikulam Taluk, Thoothukudi District without considering the objection of the petitioner dated 01.11.2021 within the time stipulated by this Court.

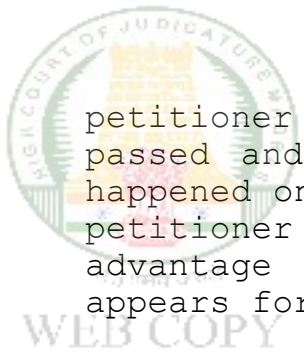
For Petitioner
For R-1 to R-3

: Mr.T.Thirumurugan
: Mr.N.Satheesh Kumar,
Additional Government Pleader.

ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a restraint order against the respondents 1, 2 and 3 / the District Collector, Thoothukudi District, the Revenue Divisional Officer, Kovilpatti, Thoothukudi District and the Tahsildar, Vilathikulam, Thoothukudi District, from granting patta to the fourth respondent and others with respect to the lands in Survey No.242/1B measuring 7.50 acres at Vembar Village, Vilathikulam Taluk, Thoothukudi District without considering the objection of the petitioner dated 01.11.2021.

2. Though the Writ Petition has been filed in the nature of Mandamus, in effect, the challenge is to an inquiry notice issued by the third respondent / the Tahsildar, Vilathikulam, Thoothukudi District in December 2021 in ~~W.P.~~ 6/8122/2021, calling upon the



petitioner to attend the inquiry on 23.12.2021. That date has long passed and no information is given by the petitioner as to what happened on 23.12.2021. But, it can be reasonably presumed that the petitioner did not appear for the inquiry. It is only to his advantage and it will also be to protect his interest, that he appears for the inquiry.

3. I am confident that during the course of inquiry, the said Tahsildar, would consider the objections of the petitioner and also the petition given, as stated in the subject of the inquiry notice, by Mr.M.Anthonisamy and 68 others. The said M.Anthonisamy has been impleaded as the fourth respondent in the Writ Petition.

4. Mr.N.Satheesh Kumar, learned Additional Government Pleader, who had taken notice on behalf of respondents 1, 2 and 3, pointed out another document which is also filed along with the Writ Petition, which is of the year 2010, that there has been a consistent ongoing dispute by the petitioner with respect to his holdings and with respect to alleged interference with peaceful possession by various parties. It is also pointed out by Mr.N.Satheesh Kumar, learned Additional Government Pleader, that the petitioner should necessarily institute a suit seeking necessary reliefs to declare his title and to protect possession and also to recover possession, if that be necessary.

5. Either way, the choice is left to the petitioner to attend the inquiry pursuant to notice issued by the third respondent. He may attend the inquiry or he may not attend the inquiry, but a Writ in the nature of Mandamus seeking relief as sought for cannot be granted, since it is for that very purpose, the inquiry had been initiated by the third respondent. Pending that inquiry, no order can be passed. The matters are within the exclusive jurisdiction of the third respondent and it is his privilege to pass any order in accordance with law and considering the objections of the petitioner provided the petitioner appears and participates in the inquiry process.

6. With the above observations, leaving the choice open to the petitioner to participate in the inquiry, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (AE)

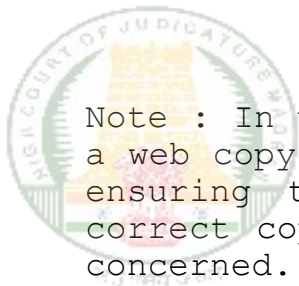
// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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



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.

WEB COPY

To

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.
- 3.The Tahsildar,
Vilathikulam,
Thoothukudi District.

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-1863[F]
dated 20/01/2022)

+1 CC to M/s.SPL.GP (SR-2046[F] dated 21/01/2022)

W.P. (MD) .No.805 of 2022
20.01.2022

PK (CO)

GC (03.02.2022) 3P 6C