



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.1025 of 2022
and W.M.P. (MD) No.864 of 2022

K.Saraswathy

... Petitioner

vs.

1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli-620 001.

2.The Tahsildar,
Manapparai Taluk,
Manapparai,
Tiruchirappalli District-621 306.

3.The Special Tahsildar,
Town Land Tax Scheme,
Manapparai Unit, Manapparai,
Tiruchirappalli District-621 306.

4.Thiru.J.Fathima Sahayaraj,
Settlement Tahsildar,
Manapparai Taluk,
Tiruchirappalli District-621 306.(R4 Deleted)

5.K.Akilandeswari

6.J.Vanitha

... Respondents

[R4 is deleted vide order dated 24.01.2022
in W.P. (MD) No.1025 of 2022]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for all the relevant records relating to the proceedings of the fourth respondent viz, the notice bearing Na.Ka.(Na.Ni.Thi) No.08/2021, dated 30.12.2021 and quash the same.

For Petitioner

For R1 to R3

: Mr.J.Sanjey Vignesh

: Mr.S.Kameswaran

Government Advocate



O R D E R

I am not impressed by adding the fourth respondent as a respondent in the writ petition. The said respondent is deleted from the array of parties. Registry is directed to delete the fourth respondent in the cause title before issuing the order copy. The fifth and sixth respondents are quite closely related.

2.The petitioner claims right over the property in view of a Will executed by her mother-in-law in favour of her husband.

3.It is claimed by Mr.S.Kameswaran, learned Government Advocate, who had taken notice on behalf of respondents 1 to 3 that the said Will had been executed before a Notary Public.

4.Let me not enter into any further discussion on that particular aspect. The fifth and sixth respondents have raised objections. The petitioner has patta exclusively in her name over the property, which is a vacant site measuring 12 cents in Manapparai Municipality, Ward No.16, Masthan Street, bearing Iyan Punjai S.No.718/1B. Naturally, the issue of title arises. Questioning the patta granted to the petitioner herein and the fifth and sixth respondents have given a representation to the third respondent/Special Tahsildar, Town Land Tax Scheme, Manapparai. The third respondent called upon the petitioner and also the fifth and sixth respondents to come over for an enquiry. Questioning that particular notice, the present writ petition has been filed.

5.The grievance of the learned counsel for the petitioner is that the petitioner alone has been invited for the enquiry.

6.The petitioner is under an obligation to attend the enquiry, to establish the patta which had been granted to her and that it had been granted in manner known to law. The third respondent in the course of enquiry may also issue notice to the fifth and sixth respondents, examine the nature of their protest and thereafter, take a considered decision with respect to their representation.

7.This Court cannot interfere in an ongoing enquiry, which is contemplated to be conducted by the third respondent. The petitioner has a choice to either participate the auction or not to participate in person or to send a representation. It will only be to the advantage of the petitioner that she makes an effective appearance before the third respondent, presents all the documents before the third respondent and invites an order to be passed on merits. Let that exercise be conducted by the third respondent and I am confident that the third respondent would do the needful in manner known to law.



8.With the above said observations, the writ petition stands dismissed without any order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sjj

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,
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Tiruchirappalli District-621 306.

+1 CC to M/s.SPL.GP (SR-2393[F] dated 25/01/2022)

W.P. (MD) No.1025 of 2022
24.01.2022

CK(CO)
GC(21.03.2022) 3P 5C