



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.7531 of 2022

and

W.M.P. [MD]No.5690 of 2022

WEB COPY

Sathishkumar

... Petitioner

Vs.

1.The Principal Secretary to Government,
Revenue and Disaster Management,
Fort St.George,
Chennai- 600 009.

2.The Revenue Divisional Officer,
Musiri, Tiruchirappalli District.

3.The Tahsildar,
Musiri, Tiruchirappalli District.

4.V.Subramanian

5.V.Thirumurthi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned enquiry notice dated 25.03.2022 in Na.Ka.No.A1/5380/2021 issued by the second respondent and quash the same.

For Petitioner : Mr.J.Barathan

For Respondents 1 to 3 : Mr.M.Lingadurai

Special Government Pleader

O R D E R

This Writ Petition has been filed challenging the enquiry notice issued by the second respondent calling upon the petitioner to come for enquiry pertaining to the proceedings initiated by the fourth and fifth respondents seeking for cancellation of patta standing in the name of the petitioner.

2.The petitioner has challenged the impugned enquiry notice on the following grounds:

a) The second respondent is the appellate authority under Section 12 of the Tamil Nadu Patta Passbook Act, 1983 [hereinafter referred to as 'the Act']. The appeal has to be filed within 30 days under Rule 14 of the Tamil Nadu Patta Passbook Rules, 1987



[hereinafter referred to as 'said Rules'] which has not been done in the instant case.

b) The second respondent has failed to note that the respondents 4 and 5 have not even submitted their representation within a period of 30 days permissible under Rule 14 of the said Rules.

c) The second respondent cannot treat the representation of the respondents 4 and 5 addressed to the first respondent as an appeal under Section 12 of the Act.

d) The second respondent has failed to note that as per Rule 4 (4) of the said Rules, being a title dispute the second respondent will have to necessarily relegate the parties to Civil Court.

e) The second respondent also failed to note that the petitioner had already filed a writ petition in W.P.[MD]No.5591 of 2022 and by order dated 30.03.2022 passed in the said writ petition, stay was granted in respect of a complaint lodged by the very same fourth and fifth respondents seeking for cancellation of registration of the documents standing in the name of the petitioner.

3.Admittedly, the petitioner had challenged only an enquiry notice. No final orders have been passed till date by the second respondent. Though the petitioner apprehends that the second respondent has already pre-determined the issue and is going to pass an adverse order against the petitioner, the same is stated only in the form of an affidavit and no documentary evidence has been produced by the petitioner in support of the same. While that be so, this Court is of the considered view that the challenge made in this writ petition is only to an enquiry notice, the petitioner will have to necessarily participate in the enquiry conducted by the second respondent and raise all the contentions that have been raised in this writ petition. However, it is made clear that the second respondent while passing the final orders will have to consider all the grounds raised by the petitioner in this writ petition as stated supra.

4.It is settled law that only if a notice is issued without jurisdiction or without authority under law, a writ petition is maintainable. From the documents produced by the petitioner, this Court does not find any scope for interference as regards the impugned enquiry notice.

5.For the foregoing reasons, this writ petition is disposed of by directing the petitioner to raise all the contentions that have been raised in this writ petition before the second respondent pursuant to the enquiry notice which is challenged in this writ



petition and the second respondent shall pass final orders on merits and in accordance with law after giving due consideration to the contentions of the petitioner.

6. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

27/04/2022

Sub Assistant Registrar(CS)

MR

To

1. The Principal Secretary to Government,
Revenue and Disaster Management,
Fort St. George,
Chennai- 600 009.

2. The Revenue Divisional Officer,
Musiri, Tiruchirappalli District.

3. The Tahsildar,
Musiri, Tiruchirappalli District.

+1 CC to M/s.T.R. JEYAPALAM, Advocate (SR-20531[F] dated
22/04/2022)

+1 CC to M/s.SPL.GP (SR-21036[F] dated 25/04/2022)

W.P. [MD]No.7531 of 2022

21.04.2022

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