



W.P.(MD)No.26625 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26625 of 2022

and

W.M.P.(MD)Nos.20824 and 20825 of 2022

Abirami, W/o.Rajendran

.. Petitioner

Versus

1.The Revenue Divisional Officer,
Pudukkottai District,
Pudukkottai.

2.The Chitambara Gurukkal, S/o.Chellaiah,
Thirukattalai,
Alangudi Taluk,
Pudukkottai District.

3.Somasundaram, S/o.Chellaiah

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order of the first respondent to kept in abeyance Patta transfer Na.Ka.No.5905/A4/2022 and quash the same as arbitrary and illegal.

For Petitioner : Mr.K.Baalasundharam

For 1st Respondent : Mr.D.Gandhiraj
Special Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Certiorari, to quash the impugned enquiry notice of the first respondent in Na.Ka.No.

<https://www.mhc.tris905/A4/2022>, dated 12.08.2022.



W.P.(MD)No.26625 of 2022

2. Heard Mr.K.Baalasundaram, learned counsel appearing for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice for the first respondent. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this Writ Petition, notice to the respondents 2 and 3 is dispensed with.

4. According to the learned counsel for the petitioner, the properties in S.Nos.101/2, 32, 100/7, 93 and 41 of Kaikurichi Village, Alangudi Taluk, Pudukottai District, are the family properties of the third respondent, who is the petitioner's father-in-law, and his brother, the second respondent herein. The respondents 2 and 3 entered into an oral partition during the lifetime of their mother, namely, Meenambal. As per the oral partition, the aforesaid properties were allotted to the third respondent herein. Subsequently, based on the application submitted by the third respondent, the Tahsildar, Alangudi, transferred the Patta in favour of the third respondent. While so, due to difference of opinion between the respondents 2 and 3, in the year 2014, the second respondent filed a civil suit, seeking partition by claiming $\frac{1}{2}$ share in the aforesaid properties against the third respondent. The third respondent



W.P.(MD)No.26625 of 2022

filed a detailed written statement and contested the said suit and thereafter, the said suit was dismissed for default. In the said circumstances, the third respondent gifted the aforementioned properties to the petitioner's husband, namely, Rajendran, vide registered gift settlement deed, bearing Document No. 2914 of 2020, dated 29.07.2020. Thereafter, the petitioner's husband gifted the said properties to the petitioner, by means of registered gift settlement deed, bearing Document No.3846/2002, dated 17.06.2021. Subsequently, the petitioner applied for Patta transfer in respect of the said properties and the Tahsildar, Alangudi, issued a Patta, bearing No.1649, in the name of the petitioner. In the said circumstances, the first respondent issued an enquiry notice, dated 12.08.2022, directing the petitioner to appear for enquiry on 16.08.2022 at 10.30 a.m. Challenging the same, the petitioner has filed the present Writ Petition.

5. The learned Special Government Pleader appearing for the first respondent, on instructions, submitted that the enquiry was not conducted on the said date and after informing another enquiry date to the petitioner, the enquiry would be conducted and appropriate orders would be passed, within a time frame.



W.P.(MD)No.26625 of 2022

6. A perusal of the impugned notice, dated 12.08.2022, shows that it is only an enquiry notice issued in the appeal filed by the second respondent and others, directing the petitioner and others to appear before the first respondent on 16.08.2022 at 10.30 a.m., in respect of the property in question. However, the enquiry was not conducted on the said date. Therefore, the first respondent is directed to conduct an enquiry on a date to be fixed by him and the same shall be intimated to the petitioner and other necessary parties well in advance. After providing an opportunity of personal hearing to all the necessary parties concerned and considering the documents produced by them, the first respondent shall pass appropriate orders. The entire exercise shall be completed within a period of 20 weeks from the date of receipt of a copy of this order.

7. This Writ Petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes/No
smn2

25.11.2022

To

The Revenue Divisional Officer,
Pudukkottai District,
Pudukkottai.

<https://www.mhc.tn.gov.in/>



WEB COPY



W.P.(MD)No.26625 of 2022

V.BHAVANI SUBBAROYAN, J.

smn2

Order made in
W.P.(MD)No.26625 of 2022

25.11.2022