



W.P.(MD)No.26369 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2022

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THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26369 of 2022

and

W.M.P.(MD)Nos.20551 and 20553 of 2022

S.Jeyavel

.. Petitioner

Versus

1.The District Collector,
Collector Office,
Pudukottai District, Pudukottai.

2.The District Revenue Officer,
Pudukottai District, Pudukottai.

3.The Tahsildar,
Iluppur Taluk,
Pudukottai District.

4.Thamaraiselvi, W/o.Chakrapani

.. 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 relating to the notice issued by the second respondent in Na.Ga.No.2061/2021/D3, dated. ...09.22, its subsequent proceedings and quash the same.

For Petitioner : Mr.R.Ramasamy

For Respondents 1 to 3 : Mr.D.Gandhiraj
Special Government Pleader



W.P.(MD)No.26369 of 2022

ORDER

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The petitioner has prayed for issuance of a Writ of Certiorari, to quash the notice issued by the second respondent in Na.Ga.No.2061/2021/D3, dated. ...09.22 and its subsequent proceedings.

2. Heard Mr.R.Ramasamy, learned counsel appearing for the petitioner; Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice for the respondents 1 to 3. 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 fourth respondent is dispensed with.

4. According to the learned counsel for the petitioner, the petitioner purchased the land bearing S.No.480/2, situated at Vilathupatti Village, Illuppur Taluk, Pudukottai District, from one Chinnathambi through a registered sale deed, bearing Document No.387/2013. Originally, the said land belonged to one P.Adaikkappa Konar @ Adaikka Konar and after his demise, his wife Mookayee and their daughter Palaniammal @ Palaniayee inherited the said land and another property belonged to the said



W.P.(MD)No.26369 of 2022

Late.P.Adaikkappa Konar @ Adaikka Konar. After demise of her mother, the said Palaniammal @ Palaniayee inherited the share of her mother in the said land and another property and also got Patta to the properties transferred in her name. On 27.03.2006, she sold the said land and another property to one Chinnthambi, from whom, the petitioner purchased the land in question. While so, one Muruga Konar, S/o.Acha Konar and Theethayee, W/o.Makka Adaika Konar, using the similarity in the name of the original owner of the petitioner, created a forged deed, without any revenue records, sold the said land along with other properties, vide Document No.719/1973 to Ganapathy Gounder, who in turn, sold it to one Chelliah in the year 1995. In the said circumstances, the fourth respondent colluded with the said Chelliah filed a suit in O.S.No.120 of 2007 before the District Munsif Court, Keeranur, wherein the issue was compromised. Based on the same, the fourth respondent filed a complaint before the second respondent to cancel the petitioner's Patta for the aforesaid land. Hence, the petitioner filed a suit in O.S.No.523 of 2017 before the Sub-Court, Pudukottai, for declaration and injunction against the fourth respondent herein. Now, the said suit has been transferred to the file of the Sub-Court, Keeranur as O.S.No.92 of 2022 and the same is pending so far. In the said circumstances, based on the petition filed by the fourth respondent, seeking cancellation of Patta in respect of the land in question, the second respondent has issued the impugned enquiry notice, directing the petitioner,



W.P.(MD)No.26369 of 2022

the fourth respondent and others to appear for enquiry on 21.09.2022 at 03.00 p.m. Challenging the said notice, the petitioner has filed the present Writ Petition.

5. Considering the aforesaid facts and circumstances of the case, it is seen that the suit in O.S.No.92 of 2022 filed by the petitioner in respect of the land in question, is pending before the Sub-Court, Keeranur. The impugned enquiry notice has been sent by the second respondent, directing the petitioner to appear before him for enquiry on 21.09.2022 at 03.00 p.m. Therefore, the petitioner has to approach the second respondent and give his explanation regarding the pendency of the suit, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such explanation, the second respondent shall pass appropriate orders, by taking into consideration the pendency of the suit filed by the petitioner, on merits and in accordance with law, within a period of six weeks thereafter.

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

Index : Yes/No

22.11.2022

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To

1.The District Collector,

Collector Office, Pudukottai District, Pudukottai.

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



W.P.(MD)No.26369 of 2022

2.The District Revenue Officer,
Pudukottai District, Pudukottai.

3.The Tahsildar,
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W.P.(MD)No.26369 of 2022

V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD)No.26369 of 2022

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