



W.P.No.939 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.939 of 2023
and WMP.No.920 of 2023

P.Viveganananth

... Petitioner

-Vs-

1. The District Collector,
District Collector Office,
Tiruppur District.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruppur, Tiruppur District.

3. The Tahsildar,
Palladam Tahsildar Office,
Palladam, Tiruppur District.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, call for the record pertaining in the enquiry notice in Na.Ka.No.3863/2022/ee3 dated 16.12.2022 issued by the second respondent and quash the same as illegal, arbitrarily and unconstitutional.

For Petitioner : Mr.M.Murugesan

For Respondents : Mr.P.Sathish
Additional Government Pleader



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ORDER

The prayer sought for herein is for a writ of Certiorari to quash the impugned proceedings of the second respondent in Na.Ka.No.3863/2022/ee3 dated 16.12.2022.

2. It is a claim of the petitioner that, the petitioner has already been given a conditional patta in respect of the land in question. However, 19 individual persons seems to have been given objection to the second respondent Revenue Divisional Officer for converting the conditional patta into a regular patta to and in favour of the petitioner.

3. In order to enquire the matter, the second respondent Revenue Divisional Officer/Sub-Collector, Tiruppur had issued a summon to the petitioner on 16.12.2022. Challenging the same, the present writ petition has been filed.

4. Mr.M.Murugesan, learned counsel appearing for the petitioner has submitted that, the petitioner already filed a civil suit in O.S.No.179 of 2022 before the Sub Court, Palladam against the 19 individual persons as well as the official respondents herein and the said suit is still pending,



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therefore, at this juncture, the separate objection or representation given by the 19 individuals, who are the defendants in the suit shall not be proceeded or considered by the second respondent. Therefore, on that ground, the petitioner has moved the present writ petition challenging the very summon issued by the second respondent to the petitioner.

5. Heard Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents, who would submit that, if at all the petitioner wants to put forth his case before the second respondent on the ground that, he has already filed a civil suit against 19 individuals, therefore, till the decision is taken by the Civil Court, no further procedure need to be taken based on the alleged objection given by 19 individuals, that can very well be presented before the second respondent and the second respondent, who would take into account all the factual matrix to be supplied by the petitioner and accordingly, a decision would be taken, instead of resorting the said method, the petitioner since has moved the present writ petition challenging the very summon issued by the second respondent that cannot be countenanced and hence, the writ petition is liable to rejected, he contended.

6. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed



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before this Court.

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7. As has been rightly pointed out by the learned Additional Government Pleader appearing for the respondents that, if at all the petitioner is having a presentable case or a ground to be urged before the second respondent in the enquiry, which has already been commenced by issuing a summon dated 16.12.2022, which is impugned herein, the petitioner can very well place those documents before the second respondent including the copy of the plaint in O.S.No.179 of 2022, where the petitioner has filed a suit against the 19 individuals as well as the Revenue Department and based on which, whatever the grounds to be urged by the petitioner can be taken into account by the second respondent and accordingly, a decision may be taken, without which, the petitioner cannot simply challenge the summon issued by the second respondent, as it is a duty of the second respondent that, whenever such complaint comes, that has to be enquired into and decided, before deciding the same, the concerned party i.e., the petitioner in whose name the patta stands has to be necessarily heard. Therefore, in order to hear the petitioner only, the said summon has been issued, hence it cannot be stated that, it is without jurisdiction and hence, this Court is inclined to



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disposoe of this writ petition with the following order:

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That it is open to the petitioner to agitate the issue by appearing before the second respondent by giving a written representation and urging whatever the grounds he wants to make it by producing supportive documents including the copy of the plaint in O.S.No.179 of 2022 filed by the petitioner against the 19 individuals and in that case, it is for the second respondent to take up those grounds as well as the inputs to be supplied by the petitioner and accordingly take a decision on the objections made by the 19 individuals against the petitioner for the proposal to convert the conditional patta into a regular patta by the proceedings of the Revenue Authorities. The said enquiry shall be completed and final orders should be passed by the second respondent within a period of twelve (12) weeks from the date of receipt of a copy of this order.

R. SURESH KUMAR, J.

mp

With this direction, this writ petition is disposed of. No costs.

Connected miscellaneous petition is closed.



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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
mp

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