



WEB COPY

W.P.Nos.8625 to 8644 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.8625 to 8644 of 2011

and

M.P.Nos.2 of 2011 (20 Mps)

Kootheranallur Milattur Rassol
Mustafa Sal Nambagam Rep by
its Managing Trustee
N.A.Abdul Rahim
S/o.Abdul Majid
74, West Street
Kootheranallur
Mannargudi Taluk
Tiruvarur District.

... Petitioner
(in all WPs)

Vs.

1.The Tenancy Rights Record Officer
and Tahsildar
Mannargudi Taluk
Mannargudi
Tiruvarur District.

2.Sengi

... Respondents
(in all WPs)

Prayer: Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Certiorarified Mandamus, calling for the records



relating to the summon dated 20.09.2010 issued by the 1st respondent in R.T.R. No.20 of 2010, quash the same and forebear the 1st respondent herein from proceeding with the enquiry in R.T.R.No.20 of 2010 on his file.

For Petitioner	: Mr.P.Mani (in All WPs)
For R1	: Mr.T.Arun Kumar Additional Government Pleader (in All WPs)
For R2	: No Appearance (in All WPs)

COMMON ORDER

The writ petitions are filed to quash the summons issued by the Competent Authority under the provisions of the Tamil Nadu Agricultural Lands Records Tenancy Rights Act, 1969 is under challenge in the present writ petitions.

2. The writ petitioner is the Koothanallur Milattur Rassol Mustafa Sal Nambagam represented by its Managing Trustee.



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3. The learned counsel for the petitioner states that the petitioner had instituted a civil suit and succeeded. Therefore, the issuance of the summons under the provisions is untenable. When the petitioner had already established their right through civil court, there is no reason whatsoever to initiate action under the provision of the Act and thus, the summons are to be quashed.

4. The learned Government Advocate appearing on behalf of the 1st respondent objected the said contention by stating that the Tahsildar as Record Officer issued summons under the provisions of the Act and therefore, the petitioner is bound to participate in the process of enquiry for the purpose of establishing their cases. There is a provision for appeal and revision under the Act. Even in case, where the Competent Authority passed an order, such an order is appealable and therefore, the writ petition is not maintainable.

5. No writ against a summon is entertainable in a routine manner. A writ against a summon / show cause notice only if it is issued by an



incompetent Authority with no jurisdiction or tainted with allegation of *mala fides*, but not otherwise. Thus, in the event of any summon by the Competent Authority under the provisions of the Act, the noticee is bound to defend his case by participating in the process of enquiry. The contentions of the petitioner is that they have already established their civil rights, which cannot be adjudicated under Article 226 of the Constitution of India.

6. Disputed facts are to be adjudicated with reference to the documents and evidences in original including if oral evidence is required. That apart, the proceedings under the provisions of the Tamil Nadu Agricultural Lands Records Tenancy Rights Act, 1969 is an independent proceedings proposed to be conducted under the provisions of the Act and therefore, the documents and the civil court orders cannot have any implication in respect of summons or conducting enquiry by the competent authority under the Act. Therefore, the petitioner is at liberty to submit their explanations along with the documents and establish his case before the Competent Authority by following the procedures under the Act.



7. With these liberty, the Writ Petitions are disposed of. No costs.

Consequently, connected Miscellaneous Petitions are closed.

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16.03.2023

Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

The Tenancy Rights Record Officer

and Tahsildar

Mannargudi Taluk

Mannargudi

Tiruvarur District.



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S.M.SUBRAMANIAM, J.

Jeni

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