IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9477 of 2023 &
W.M.P.No.9547 of 2023

M/s. SVS Oil Mills
Rep. by its Partner,
V.R. Jayakumaran,
New No.11, Thiruvottiyur High Road,
Chennai 19 ... Petitioner

Vs.

1.The Commissioner
Survey Department, Chennai 05

2.The Special Tahsildar,
Office of the Special Tahsildar,
Urban Land tax Scheme,
Thiruvottiyur, Chennai 19

3.K.Natarajan

4.Dilliraj

5.Vijaya Kumar

6.Pandiyan

7.Gopi

8.Kuppuraj

9.Jamuna

10.Maheswari

11.Ramu

12.Elangovan

13.Jeevanandham

14.S.Radhika ... Respondents

(R4 to R13 impleaded vide order dated 14.06.2023 made in WMP.No.16504 of 2023)

(R14 Impleaded vide order dated 14.06.2023 made in WMP.NO.16677 of 2023)

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the entire records from the file of the 1st respondent pertaining to the proceedings in Na.Ka.No. /2023/S1 dated 21.02.2023 and quash the same.

For Petitioner	: Mr.S.Jaganathan
For Respondents 1 & 2	: Mr.C.Jaya Prakash, Government Advocate
For Respondents 3 to 13	: Mr.R.Karunagaran
For Respondent 14	: Mr.D.Danial

O R D E R

The enquiry notice dated 21.02.2023 issued by the Special Tahsildar is sought to be quashed in the present writ petition.

2. The petitioner states that the petitioner is a company and they purchased the property from their vendor and the patta stands in the name of the vendor to the petitioner. The third respondent submitted an application for cancellation of patta.

3. The learned counsel for the petitioner states that the petitioner is holding a decree granted by the competent court of law and produced a copy of the same before the competent authority. The competent authority, without considering the decree granted by the Court and by not considering the grounds raised by the petitioner in their reply, is proceeding with the enquiry and thus, the petitioner is constrained to move the present writ petition.

4. The application for grant of patta, cancellation of patta or to mutate the revenue records can be submitted by any person under the provisions of the Patta Pass Book Act, 1983. Once an application is submitted for cancellation of patta, the authority competent is bound to conduct an enquiry

by affording opportunity to all the parties and thereafter, pass appropriate orders on merits and in accordance with law.

5. Intermittent intervention by the High Court is not desirable in view of the fact that the disputed facts cannot be adjudicated in the writ proceedings under Article 226 of the Constitution of India.

6. The power of judicial review cannot be expanded for the purpose of conducting an enquiry into the merits raised between the parties. All such adjudications are to be done before the competent authorities. Thus, the writ petition against the enquiry notice is not maintainable and it is maintainable, only if such notices are issued by the authority having no jurisdiction or tainted with allegation of malafides. In all other circumstances, the parties who received the notice is expected to appear before the authorities and defend their case by availing the opportunity provided by the authorities competent.

7. This being the principles to be followed, the grounds raised by the petitioner on merits or the decree granted by the Court are to be considered only by the competent authority at the time of conducting enquiry. Thus, the

petitioner has not established any cause for the purpose of filing the present writ petition.

8. Even as per the petitioner, the patta stands in the name of its vendor and therefore, the petitioner cannot be construed as an aggrieved person. In view of the facts and circumstances, the petitioner is at liberty to participate in the process of enquiry and the authority competent is empowered to conduct the enquiry and pass appropriate orders on merits and in accordance with law.

9. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

25.07.2023

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Index : Yes
Speaking order
Neutral Citation : Yes

To

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Urban Land tax Scheme,
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S.M.SUBRAMANIAM, J.

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