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W.P.No.15552 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15552 of 2023
and
W.M.P.No.15063 of 2023

V.Sozhan

... Petitioner

Vs.

1.The District Collector,
Villupuram.

2.The Revenue Divisional Officer,
Villupuram.

3.The Tahsildhar,
Villupuram.

4.The Village Administrative Officer,
Poonthottam Village,
Villupuram.

5.Dr.V.Pandiyan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in his Enquiry summon in Na.Ka. A3/1754/2023 dated 05.05.2023 and quash the same and thereby forbear the respondents from in any way interfering in the V.R.P. Higher Secondary School and its building and its possession at No. 17-A, Ranganathan Road, Villupuram under the guise of impugned proceedings.



For Petitioner : Mr.N.Suresh
For R1 to R4 : Mr.G.Krishna Raja,
Additional Government Pleader
For R5 : Mr.P.Dineshkumar

ORDER

The writ petition has been instituted challenging the enquiry notice dated 05.05.2023 issued by the Revenue Divisional Officer, Villupuram.

2. The learned counsel for the petitioner mainly contended that the 5th respondent has given a complaint regarding land grabbing. The allegation of land grabbing is absolutely untenable and the Revenue Divisional Officer has no jurisdiction to conduct an enquiry in respect of the land grabbing cases. Thus, the impugned order is without jurisdiction and is liable to be set aside.

3. The learned Additional Government Pleader appearing on behalf of the respondents 1 to 4 relying on the counter affidavit made a submission that the complaint given by the 5th respondent was not considered as a land grabbing complaint. The contents therein were considered by the competent



authorities for the purpose of conducting an enquiry and notice was issued to the writ petitioner. Thus, the writ petition is not maintainable.

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4. Regarding the consideration deliberated by the Revenue Divisional Officer, it is stated that based on the representation of Dr.Pandiyan / 5th respondent, the Revenue Divisional Officer has sent an enquiry notice to both the writ petitioner and Dr.Pandiyan to appear before him along with the available documents on 11.05.2023 at 04.00 p.m. On 11.05.2023 both the writ petitioner and Dr.Pandiyan appeared for enquiry in the office of the Revenue Divisional Officer, Villupuram. Dr.Pandiyan has submitted a registered Sale Deed document and claimed that a property to an extent of 9,372 sq.ft in Ward A, Block 16, TS. No.75/1, Poonthottam Village belongs to him and his wife. The writ petitioner has not produced any document pertaining to the property in TS. No.75/1, Poonthottam Village and requested one week time to submit the documents. While being so, the petitioner approached the High Court challenging the notice. The sequence of events narrated in the counter would be sufficient to form an opinion that the petitioner has filed the writ petition with an apprehension and even before defending his case by availing the opportunities provided by the



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Revenue Divisional Officer. Instead of producing the documents, the petitioner has chosen to challenge the enquiry notice. Such a conduct can never be appreciated by the High Court. The Revenue Divisional Officer proceeded with the enquiry and passed final order in proceeding dated 12.05.2023 based on the documents submitted by the complainant.

5. The learned counsel for the petitioner now states that the writ petitioner has not filed any document. The petitioner alone is to be held responsible for his act of not submitting the documents before the competent authority. The writ petitioner may prefer an appeal before the District Revenue Officer in order to redress his grievance, if any exist.

6. As far as the enquiry notice is concerned, no writ is entertainable unless the notice was issued by an incompetent authority having no jurisdiction or tainted with allegation of *malafides*. In the present case, the respondents have not considered the complaint under the land grabbing allegation, but considered under the Tamil Nadu Patta Passbook Act. Therefore, the petitioner is at liberty to prefer an appeal before the District Revenue Officer along with the documents, if any. In the event of filing an



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appeal along with the documents, the District Revenue Officer shall conduct an enquiry by affording opportunity to all the parties and pass orders on merits and in accordance with law.

7. With these observations, the writ petition stands disposed.

Consequently, the connected miscellaneous petition is closed. No costs.

02.08.2023

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Index : Yes

Speaking order

To

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S.M.SUBRAMANIAM, J.

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