



WEB COPY

WP No.15597 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 08-06-2023**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**WP No.15597 of 2023**

**And**

**WMP Nos.15093 and 15095 of 2023**

Smt.M.Parameswari

... Petitioner

Vs.

1.The District Collector,  
Thiruvallur District, having Office at  
The District Collectorate,  
Tiruttani Road,  
Thiruvallur Town, Taluk and District.

2.The District Revenue Officer,  
Thiruvallur District, having Office at  
The District Collectorate,  
Tiruttani Road,  
Thiruvallur Town, Taluk and District.

3.The Revenue and Divisional Officer,  
Thiruvallur having Office at  
J.N.Road,  
Thiruvallur Town, Taluk and District.



4.The Tahsildar,  
Thiruvallur Taluk Office,  
J.N.Road,  
Thiruvallur Town, Taluk and District.

5.Mr.Tamilvanan

... Respondents

**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 impugned proceedings of the third respondent in Na.Ka.No.1942/2023/A7 dated 10.05.2023 and quash the same and consequently direct the respondents to complete the enquiry as per the orders passed by this Court in WP No.22990 of 2022 dated 01.09.2022 by properly considering the entire materials of the matter and pass orders on merits in respect of reclassification of the Dry (Punja) land in Survey No.442B/3A of Pullarambakkam Village, which was wrongly reclassified as Grama Natham Survey No.720/3 and consequently to incorporate all the required corrections in the Land Permanent Registers relating to the property.

For Petitioner : Mr.K.Selvamani

For Respondents-1 to 4 : Mr.N.Naveenkumar,  
Government Advocate.



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## **ORDER**

The summon issued by the Revenue Divisional Officer in proceedings dated 10.05.2023 asking the petitioner to appear before the Revenue Divisional Officer, Thiruvallur on 15.05.2023 at 11.00 A.M., along with the original documents, is under challenge in the present writ petition.

2. The petitioner states that she purchased the land in Survey No.442B/13A, having an extent of 9582.5 sq.ft., (i.e., approximately 22 cents) in No.55, Pullarambakkam Village, Thiruvallur Taluk and District under a registered Sale Deed dated 17.04.2007, which was duly registered vide Document No.7692 of 2007 on the file of the Sub Registrar's Office, Thiruvallur.

3. The learned counsel for the petitioner mainly contended that the petitioner is the holder of all the documents, including patta and she is an absolute owner of the subject land. While-so by entertaining a complaint



from the fifth respondent, the Revenue Divisional Officer/third respondent issued the impugned call letter for an enquiry. The complaint was misconceived, since the primary facts regarding the ownership of the petitioner was not taken into consideration. Thus the petitioner is constrained to move the present writ petition.

4. The learned Government Advocate, appearing on behalf of the official respondents, made a submission that the Revenue Divisional Officer, Thiruvallur issued summons asking the petitioner to submit all the the original documents, enabling him to verify and adjudicate the complaint filed by the fifth respondent.

5. Conducting an enquiry is the statutory duty of the Revenue Divisional Officer and therefore, the petitioner ought to have cooperated for conducting an effective enquiry in order to establish her case. Contrarily, the petitioner is filing a writ petition after writ petition for the purpose of dragging on the matter and thus the writ petition is to be rejected.



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6. Perusal of the impugned call letter reveals that the complaint was given by the fifth respondent and the Tahsildar, Thiruvallur also submitted a report.

7. Based on the complaint and the report of the Tahsildar, the Revenue Divisional Officer has proposed to conduct an enquiry and consider the issues. Instead of defending the case before the Revenue Divisional Officer, the petitioner earlier filed Writ Petition in WP No.22990 of 2022 and the said writ petition was disposed of on 01.09.2022 with a direction to dispose of the representation submitted by the petitioner on 19.03.2022 in that writ petition.

8. When there is a complaint in respect of the subject property and the Tahsildar, Thiruvallur also submitted a report. It is the duty mandated on the Revenue Divisional Officer to conduct an enquiry by affording an opportunity to all the parties concerned. The said enquiry is set in motion and therefore the petitioner has to defend her case by availing an opportunities to be provided by the Competent Authority.



9. No writ against an enquiry call letter is entertainable in a routine manner. The present writ petition is entertainable only if such call letter has been issued by an Incompetent Authority having no jurisdiction, but not otherwise.

10. In respect of all legal grounds, the petitioner is entitled to present the same before the Revenue Divisional Officer based on the documents and evidences. Thus the writ petition filed by the petitioner is untenable, as she could not establish any acceptable grounds for the purpose of setting aside the enquiry call letter.

11. That apart, the High Court cannot adjudicate the disputed issues between the parties. Such an enquiry is to be conducted by following the procedures as contemplated.

12. Accordingly, the Revenue Divisional Officer is directed to proceed with the enquiry by following the procedures and by affording an opportunity to all the parties concerned and thereafter pass final orders on



merits and in accordance with law.

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13. With the above directions, the writ petition stands dismissed. However, there shall be no order as to costs.

**08-06-2023**

Index : Yes/No  
Internet: Yes/No  
Speaking order/Non-Speaking order  
Neutral Citation : Yes/No  
Svn

To

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**S.M.SUBRAMANIAM, J.**

Svn

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