



WEB COPY

W.P.No.19814 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19814 of 2023
and
W.M.P.No.19137 of 2023

P.Sampathkumar

... Petitioner

Vs.

1.Sub Collector,
Pollachi Taluk,
Coimbatore District.

2.The Tahsildar,
Pollachi Taluk,
Coimbatore District.

3.The Sub Registrar Office,
Pollachi,
Coimbatore District.

4.The Village Administrative Officer (VAO),
Pollachi Town,
Pollachi.

5.S.Sundara Pandiyan

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the entire records in relation to the impugned proceedings initiated by the 1st respondent in Na.Ka.No.986/2023/A1 dated 09.05.2023, quash the same.

For Petitioner	: Mr.C.Veeraraghavan
For R1 to R4	: Mr.G.Krishna Raja Additional Government Pleader

ORDER

The enquiry notice dated 09.05.2023 issued by the Sub-Collector, Pollachi is sought to be quashed in the present writ petition.

2. The petitioner states that the 5th respondent submitted an application to cancel the patta granted in the name of the petitioner. The petitioner claims that he is the owner of the subject property described in the present writ petition.

3. The learned counsel for the petitioner mainly contended that the jurisdictional Tahsildar is the Original Authority to adjudicate the patta proceedings under the provisions of the Tamil Nadu Patta Pass Book Act and



therefore, the Sub-Collector, who is not an authority cannot adjudicate the complaint given by the 5th respondent.

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4. The learned Additional Government Pleader appearing on behalf of the respondents 1 to 4 raised an objection by stating that the allegations against the petitioner are serious in nature. The Sub-Collector on receipt of complaint has called the writ petitioner to submit his explanations along with the documents, if any. Therefore, the writ petition is not maintainable.

5. The Tamil Nadu Patta Pass Book Act, 1983 stipulates that the Tahsildar has to conduct an enquiry on the application submitted for grant of patta. However, the said power conferred under the Act may be exercised by the Superior Authorities, if any special circumstances warrants. The Powers conferred cannot be exercised by the Sub-Ordinate Authorities. However, the Appellate Authority or the Higher Authority is empowered to conduct an enquiry to cull out the truth and if necessary they may send the matter back for further enquiry to the Original Authority or pass appropriate orders on merits and in accordance with law.



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6. The Supervisory Powers conferred on the Higher Authorities are for monitoring the functioning of the Sub-Ordinate Authorities are of paramount importance and therefore, there is no impediment for the Higher Authorities to conduct an enquiry on certain exceptional circumstances.

7. Therefore, the petitioner is at liberty to raise these grounds before the Sub-Collector, who in turn may take an appropriate decision in the public interest and by considering the nature of the allegations or otherwise. However, High Court cannot simply direct the Sub-Collector to send the complaint to the Tahsildar or otherwise.

8. The Sub-Collector being a Revenue Authority is empowered to conduct any enquiry within his jurisdiction, if he has received any complaint. Thus, there is no impediment for the Sub-Collector to conduct an enquiry and pass appropriate orders. The petitioner is at liberty to raise all these grounds by appearing before the Sub-Collector.



9. With these observations, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes
Neutral Citation : Yes
Speaking order

To

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S.M.SUBRAMANIAM, J.

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