



WEB COPY

W.P.No.25334 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25334 of 2023 and
W.M.P.Nos. 24746 & 24747 of 2023

M.V.Thiruneelakandan

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028.

2.The District Registrar,
Vridachallam,
Cuddalore District.

3.The District Collector,
Cuddalore District.

4. The Sub Collector,
Virudhachallam.

5. P. Karthikeyan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records in inquiry in Na.Ka.A3/3810/2018 dated 20.07.2023 on the file of the 4th respondent and



quash the same.

For Petitioner : Mr. P. Ayya Swamy

For Respondents 1 to 4 : Mr. T.Arun Kumar,
Additional Government Pleader

ORDER

The enquiry notice issued by the Sub Collector, Virudhachalam in proceedings dated 20.07.2023 asking the petitioner to participate in the process of enquiry held on 27.07.2023 is under challenge in the present writ petition.

2. First of all, as per the impugned enquiry notice dated 20.07.2023, the date of enquiry i.e., 27.07.2023 is lapsed. Therefore, the enquiry notice lost its relevance.

3. The learned counsel for the petitioner states that the complaint was given to cancel the patta granted in the name of one Mr.Saravanan. However, the Sub Collector issued notice to the writ petitioner.

4. The petitioner states that he has already submitted a defence



statement on 27.07.2023. Thus, the petitioner is at liberty to participate in the process of enquiry to establish his case.

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5. No writ against an enquiry notice is entertainable in a routine manner. Unless such notice has been issued by an incompetent authority having no jurisdiction or tainted with the allegations of malafides. In all other circumstances, a person who received the enquiry notice is expected to place his defence statement and documents if any to defend his case. The authority competent has to conduct an enquiry by affording an opportunity to all the parties and pass appropriate orders on merits and in accordance with law.

6. In the present case, the petitioner states that he was the subsequent purchaser. Therefore, he is also related with the property. In order to avoid multiplicity of proceedings, the Sub Collector issued notice to all the parties for the purpose of conducting an enquiry and to give quietus to the issues raised.

7. That being the factum, there is no impediment for the Sub Collector to proceed with the enquiry in the manner contemplated and by affording opportunity to all the parties. The enquiry shall be completed as



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expeditiously as possible.

8. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

29.08.2023

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Index : Yes

Speaking order



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To

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S.M.SUBRAMANIAM, J.

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