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W.P.No.27382 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27382 of 2023

and

W.M.P. Nos.26822 & 26824 of 2023

R. Vijaya W/o. K. Rama Naidu

... Petitioner

Vs

1. The Revenue Divisional Officer,
Chennai South, Guindy, Chennai.

2. The Tahsildar,
Sholinganallur Taluk,
Sholinganallur.

3. Meena W/o. Late Gnanasundaram

4. Mahalakshmi W/o. R. Gunavharaman

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records of proceeding pending on the file of the 1st respondent in Na. Ka.A2/622/2023 dated 10.08.2023 and to quash the same.

For Petitioner

: Mr. E. Felix Parthiban

For Respondents 1 & 2 : Mr. G. Krishnaraja,
Additional Government Pleader



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ORDER

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The writ on hand has been instituted to quash the enquiry call letter dated 10th August 2023. The date of enquiry mentioned in the enquiry notice has already been expired.

2. The respondents 3 and 4 filed an application under the provisions of the Tamil Nadu Patta Pass Book Act to cancel the patta granted in favour of the writ petitioner. The Revenue Divisional Officer in order to conduct an enquiry, issued notice to all the parties. The notice issued is under challenge in the present writ petition.

3. No writ against an enquiry notice is entertainable, unless such notice has been issued by an incompetent authority having no jurisdiction or tainted with the allegations of malafides. On receipt of an enquiry notice, the addressee has to participate in the process of enquiry to defend his case. Notices can be challenged on the limited grounds as stated above.

4. Learned Additional Government Pleader appearing on behalf of the



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respondents 1 and 2 brought to the notice of this Court that the civil suit has already been instituted between the parties in O.S.No.383 of 2021 on the file of the Principal District Court, Chengalpet. When the civil disputes between the parties are pending, the revenue authorities may not be in a position to consider the application, if any submitted under the provisions of the Tamil Nadu Patta Pass Book Act. After crystallising the civil right through the competent civil court, either of the party may submit an application for the purpose of grant of patta, cancellation of patta or to mutate the revenue records, as the case may be.

5. In the event of considering the application under the Patta Pass Book Act, during the pendency of the civil suit, the said revenue proceedings would cause prejudice to either of the parties. Persons approaching the civil court are expected to establish their case through documents and evidences available on record.

6. That being the principles to be followed, the present writ petition challenging the enquiry notice is not entertainable. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

20.09.2023



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Index : Yes

Speaking order

To

1. The Revenue Divisional Officer,
Chennai South, Guindy, Chennai.

2. The Tahsildar,
Sholinganallur Taluk,
Sholinganallur.



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S.M.SUBRAMANIAM, J.

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