



W.P.Nos.28104 & 33720 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.28104 & 33720 of 2022

[W.P.No.28104 of 2022]

1.P.Duraisamy
2.Pappal
3.K.Nadhu
4.M.Kandasamy

... Petitioners

Vs.

1.The District Collector,
Collectorate,
Salem,
Salem District.

2.R.Balamurugan

...Respondents

[W.P.No.33720 of 2022]

R.Balamurugan

... Petitioner

Vs.

1.The District Revenue Officer,
District Collector Office Complex,
Salem, District,
Salem - 636001.



W.P.Nos.28104 & 33720 of 2022

2.The Sub-Collector,
Mettur Taluk,
Mettur Dam - 636401.
Salem District.

3.The Thasildar
Mettur Taluk,
Mettur Dam - 636401.
Salem District.

4.P.Duraisamy

5.Pappal

6.K.Nandhu

7.M.Kandasamy

...Respondents

Prayer in W.P.No.28104 of 2022 :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned notice in Na.Ka.No.5586/2022/G1 dated 19.09.2022 issued by the 1st Respondent quash the same and consequently forbear the respondents from interfering with the petitioners right to property measuring 1807.5 sq.ft., comprised in S.F.No.682 B/ 1B and 682B /1C, Konur West Village, Mettur Taluk, Salem District.

For Petitioner : Mr.N.Manokaran for Mr.V.Elangovan

For Respondents :
(for R1) : Mr.D.Ravichander, Special Govt. Pleader
(for R.2) : Mr.B.Kumarasamy



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Prayer in W.P.No.33720 of 2022 :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 1st Respondent to consider the representations of the petitioner dated 22.08.2022 to implement the enquiry report of the 3rd Respondent dated 30.06.2015 in Na.Ka. No.10669 / 2015 (D) Submitted to the 2nd Respondent as per Na.Ka. No.1856/ 2014 dated 15.05.2015 and also to pass suitable orders on the basis of merit for the enquiry conducted on 21.10.2022 in the court of the 1st Respondent within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.B.Kumarasamy

For Respondents :
(for R1 to R3) : Mr.D.Ravichander, Special Govt. Pleader

(for R.4 to R.7) : Mr.N.Manokaran for Mr.V.Elangovan

COMMON ORDER

The writ of mandamus in W.P.No.33720 of 2022 has been filed to consider the representation submitted by the writ petitioner on 22.08.2022, to implement the enquiry report of the 3rd respondent dated 30.06.2015.

2.The grievance of the writ petitioner in W.P.No.33720 of 2022 is that with reference to UDR proceedings, the matters are subjudised before



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the Revenue Divisional Officer and the enquiry is in progress. While so, the District Collector issued an enquiry notice on 19.09.2022. Under those circumstances, the writ petitioner in W.P.No.33720 of 2022, filed the present writ petition seeking a direction to consider his representation, dated 22.08.2022, to proceed with the enquiry to be conducted by the Revenue Divisional Officer / Sub Collector, Mettur Taluk, Salem District.

3.The impleaded respondents R4 to R7 in W.P.No.33720 of 2022, who all are the petitioners in WP.No.28104 of 2022, sought for the relief to quash the inquiry notice issued by the District Collector Salem on the ground that he has no jurisdiction. The common factor is that the parties are ready and willing to participate in the process of enquiry to be conducted by the Revenue Divisional Officer/ Sub Collector Mettur Taluk, Salem District.

4.It is not in dispute between the parties that the enquiry proceedings are pending and therefore, the enquiry is to be conducted and concluded before the competent authority, that is the Revenue Divisional Officer / Sub Collector Mettur Taluk, Salem District.



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5. In view of the facts and circumstances, the notice issued by the District Collector in proceeding in Na.Ka.No.5586/2022/G1 dated 19.09.2022 is quashed. The Sub Collector / Revenue Divisional Officer Mettur Taluk, Salem District, is directed to proceed with the enquiry by affording opportunity to all the parties and by following the procedures and conclude the same as expeditiously as possible, preferably within a period of four (4) months from the date of receipt of a copy of this order.

6. With these directions, the writ petitions stand **disposed of**. No costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

02.06.2023

To

1. The District Collector,
Collectorate,
Salem,
Salem District.
2. The District Revenue Officer,
District Collector Office Complex,
Salem, District,
Salem - 636001.



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S.M.SUBRAMANIAM. J.,

(sha)

3.The Sub-Collector,
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Mettur Dam - 636401.
Salem District.

4.The Thasildar
Mettur Taluk,
Mettur Dam - 636401.
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