



W.P.Nos.5775 & 15264 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.5775 & 15264 of 2017 and
W.M.P.Nos.6175 & 16563 of 2017

Hameeda Bee .. Petitioner in
both W.Ps

vs

1. The Revenue Divisional Officer
Kallakurichi, Villupuram District.
2. The Tahsildar
Kallakurichi Taluk
Villupuram District.

3. K.Chitra .. Respondents
4. K.Karuppaiya .. in both W.Ps

Prayer in W.P.No.5775 of 2017: 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 communications made in Na.Ka.A4/1363/2015 dated 13.01.2017 and 10.02.2017 respectively issued by the first respondent quash the same and consequently forbear the respondents from any manner interfering with the petitioner's peaceful possession and enjoyment of the land more particularly described in the petition schedule;

Prayer in W.P.No.15264 of 2017: 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 communications made in pursuant to the communications made in Na.Ka.A4/1363/2015 dated 20.03.2017 issued by the first respondent quash the same and consequently forbear the respondents from any manner interfering with the petitioner's peaceful possession and enjoyment of the land more particularly described in the schedule hereunder:



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SCHEDULE OF PROPERTY

All that piece and parcel of land with a house and well with electricity service connection comprised in

<i>Sl.No</i>	<i>Survey No.</i>	<i>Extent Acres</i>
1.	173/9	0.72
2.	173/1A	1.96
3.	170/1B	0.55
4.	171/3	0.85
5.	171/1A	2.22
Total		6.30

situated at Sdayampattu Village, Kallakurichi Taluk, Villupuram District.

For Petitioner in
both W.Ps

:

Mr.G.Ethirajulu

For Respondents 1 & 2
in both W.Ps

:

Mr.Abhishek Murthy
Addl. Govt. Pleader

COMMON ORDER

The enquiry notice dated 13.01.2017, 10.02.2017 and 20.03.2017 issued by the Revenue Divisional Officer, Kallakurichi is sought to be quashed in the present writ petition.

2. An appeal was filed by the contesting respondents for cancellation of patta, granted in favour of the petitioner. The Revenue Divisional Officer issued an enquiry notice to the writ petitioner to participate in the process of enquiry.

<https://www.mhc.tn.gov.in/judis> 3. Instead of participating in the enquiry and defending the case, the



petitioner has chosen to challenge the very enquiry call-letter on various grounds.

4. The disputed facts with reference to the claim of the parties for grant of patta or its cancellation cannot be adjudicated, on merits, in a writ proceedings. All such issues are to be decided based on the documents and evidences on record and therefore, the Appellate Authority must be allowed to conduct proceedings in all respects and take a decision on merits.

5. Intermittent intervention by the High Court in a writ proceedings in such matters are not desirable, as it would cause prejudice to either of the parties. The power of judicial review under Article 226 of the Constitution of India is to ensure that the process through which a decision is taken by the competent authority is in consonance with the statute and rules in force.

6. That being the factum, it cannot be an exception for the purpose of adjudication of such disputed facts between the parties with reference to the claim for grant of patta or its cancellation. In the present case, the petitioner has challenged the very enquiry notice, which is not entertainable and thus, the petitioner is at liberty to submit his explanation / defence



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along with the documents, if any, for the purpose of defending his case.

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7. The Revenue Divisional Officer is directed to proceed with the enquiry by affording opportunity to all the parties and follow the procedures contemplated and pass appropriate final orders as expeditiously as possible.

8. The learned counsel for the petitioner brought to the notice of this Court that the subject property is a panchami land. This also is to be taken note of by the Revenue Divisional Officer while conducting adjudication and in this regard, appropriate actions are to be initiated.

9. With these directions, the writ petition is disposed of. There will be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Neutral Citation : Yes/No
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25.04.2023
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To:
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Kallakurichi, Villupuram District.
2. The Tahsildar
Kallakurichi Taluk
Villupuram District.



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S.M. SUBRAMANIAM, J.

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