



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28202 of 2023
and
WMP.No.27721 of 2023

B.Amudha

... Petitioner

Vs.

1.Tahsildar,
Vandalur,
Chennai – 600 048.

2.The Revenue Inspector,
Mambakkam Firka.

3.Dharani @ Sasi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent's enquiry proceedings in Na.Ka.No.2486/2023/A2, dated 03.02.2022 and quash the same and further direct the 1st respondent not to take any action with respect to Pattas bearing Nos.1422, 3067, 1421, 1221,



pending conclusion of civil proceedings in O.S.No.35 of 2014 on the file of District Judge, Chengelpattu.

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For Petitioner : Mr.K.Narayanan

For Respondents : Mr.G.Krishna Raja for R1 and R2,
Additional Government Pleader.

ORDER

The Enquiry Notice issued by the Tahsildar under the provisions of the Tamil Nadu Patta Passbook Act, 1983 is under challenge in the present writ petition.

2. 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. A person on receipt of Enquiry Notice is expected to submit their defence statement to establish their case. Based on one ground, if writ petition is filed, it cannot be entertained in view of the fact that the quashing of the Enquiry Notice would cause prejudice to the interest of either parties. An opportunity to adjudicate the issues must be provided with reference to the documents and the evidences available on record and therefore quashing of the Enquiry Notice is not preferable.



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3. The parties are at liberty to produce their documents, evidences etc., for the purpose of establishing their case in the manner contemplated. Only after passing final orders, appropriate actions are to be initiated for preferring an appeal, if aggrieved.

4. This being the principle to be followed, the petitioner is at liberty to participate in the process of enquiry in order to defend her case, by availing the opportunity, which is to be provided by the competent Authorities. The respondents are directed to complete the enquiry and pass final orders on merits and in accordance with law as expeditiously as possible.

5. With these observations, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

26.09.2023

VEDA/MKN2

Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes /No



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To

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S.M.SUBRAMANIAM, J.

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