



W.P(MD)No.2798 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.2798 of 2023

and WMP(MD)Nos.2592, 2595, 2600 and 4969 of 2023

1. S.Kamala Kannan

2. S.Mariamammal

... Petitioners

Vs

1. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Sattur Taluk, Virudhunagar District.

2. The Tahsildar,
Sattur Taluk, Virudhunagar District.

3. The Village Administrative Officer,
Nalli Village, Sattur Taluk,
Virudhunagar District.

4. Venugopal

5. V.Rajeswari

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, to call for the



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records pertaining to the impugned recommendation in Na.Ka.no. A5/5216/2022, dated 04.11.2022 on the file of the second respondent and the consequential impugned enquiry notice in Na.Ka.no.A3/7504/2022, dated 03.02.2023, on the file of the first respondent and quash the same as illegal and consequentially forbearing the respondents from interfering in the peaceful possession of the petitioner in S.No. 389/106 in Nalli Village, Sattur Taluk, Virudhunagar District within a time frame stipulated by this Court.

For Petitioners	:Mr.M.Arjun Varman for Lajapathi Roy & Association
For R1 to R3	:Mr.J.Ashok Additional Government Pleader
For R4, R5	:Mr. Porkkodi Karnan, for M/s. POLAX Legal Solutions

ORDER

When the matter was came up for consideration on 14.03.2023, this Court had passed the following order:

“The Writ Petitioner has questioned the enquiry notice issued by the Revenue Divisional Officer, dated 03.02.2023, by which, the Revenue Divisional Officer had directed the petitioners to appear on 10.02.2023 at 02.30 pm. The said notice had been issued to the petitioners herein and also to the Respondents 4 and 5.

2.All the parties are directed to appear before the Revenue Divisional Officer. This view is actually based on



the order of my predecessor, dated 13.02.2023. In the said order, my predecessor had stated as follows in Paragraph No.3:

“3. The petitioner challenges the impugned report of the Tahsildar as well as the enquiry notice issued by the Revenue Divisional Officer. Challenge to the Tahsildar's report is rejected. This is because, it is only recommendatory in nature and it is not an enforceable order as such. However, the petitioners are very much entitled to question the enquiry notice. Enquiry notice admittedly is anchored entirely on the report prepared by the Tahsildar. The said report appears to have been prepared behind the petitioners back. In such case, when the complaint is received and report is called for, the authority preparing the report is expected to adhere to the principles of natural justice. It is the Tahsildar who conducts field inspection.”

3.A reading of the above shows that the challenge to the Tahsildar report has been rejected. Once that has been rejected, it means that the report stands. On the basis of that particular Tahsildar's report, the Revenue Divisional Officer had issued the impugned notice. It is for the petitioners to appear before the Revenue Divisional Officer and explain the matters. It is only an enquiry. I am confident that the Revenue Divisional Officer would give proper opportunity to



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all the parties concerned.

4.Let a fresh notice be issued by the Revenue Divisional Officer by indicating a fresh date for appearance of the petitioners and the respondents 4 and 5. 5.To inform this Court about the issuance of that particular fresh notice, list the matter on 21.03.2023. But, it is made clear that the order of interim stay stands vacated. The Revenue Divisional Officer is specifically directed to issue fresh notice to the petitioners and the Respondents 4 and 5.”

2.Subsequently, today it is represented by the learned Additional Government Pleader that orders have already been passed on 06.04.2023 in Mu.Mu.A3/7502/2022. A copy of the order had been forwarded to the learned counsel for the petitioner. A perusal of the same also shows that a copy had also been forwarded to the first petitioner himself S.Kamala Kannan, S/o.Sankarasubburaj.

3.If the petitioners are aggrieved by the said order, they can take up the matter further, in the manner known to law. No further adjudication is required in this matter.



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4. Even on 14.03.2023, in WMP(MD)No.4969 of 2023 stay was vacated by this Court.

5. Accordingly, this writ petition stands disposed. No costs.

Consequently, connected miscellaneous petitions are closed.

13.04.2023

NCS : Yes/No
Index : Yes/No
Internet: Yes/No

PNM

To

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Sattur Taluk, Virudhunagar District.
2. The Tahsildar,
Sattur Taluk, Virudhunagar District.
3. The Village Administrative Officer,
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C.V.KARTHIKEYAN,J.

PNM

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