



W.P.(MD)No.19327 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.19327 of 2023
and W.M.P.(MD)No.16004 of 2023

1. Pazhaniappan
2. Rajammal
3. Ramalakshmi
4. C.Shanmuganathan

... Petitioners

versus

1. The Revenue Divisional Officer,
The Revenue Divisional Office,
Usilampatti.
2. The Thasildar,
Peraiyur Taluk,
Madurai District.

3. S.Murugan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records relating to the impugned Enquiry notice in Na.Ka.563/2023/A4 dated 14.07.2023 issued by the first respondent and quash the proceedings in Na.Ka.563/2023/A4 pending on the file of the first respondent.



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For Petitioner : Mr.A.Sivasubramanian

For R1 and R2 : Ms.D.Farjana Ghoushia,
Special Government Pleader

ORDER

This writ petition is filed challenging the impugned proceedings dated 14.07.2023 issued by the first respondent.

2. The impugned proceedings in this writ petition is a notice which was issued by the first respondent/the Revenue Divisional Officer, Usilampatti, calling upon the petitioner for an enquiry with regard to cancellation of a joint patta for the land in Survey Nos.257/51 situated at Silarpatti Village, Peraiyur Taluk.

3. The petitioners claim that with regard to the said properties, a Civil Suit in O.S.No.117 of 2023 is pending before the Sub Court, Tirumangalam. When the suit is pending before the Civil Court, as per Rule 4(4) of the Tamil Nadu Patta Pass Book Rules, the first respondent/the Revenue Divisional Officer, Usilampatti, is not



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supposed to conduct an enquiry.

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4. The impugned order is only a notice of enquiry and therefore, this Court is not inclined to interfere with the same at this stage. The Hon'ble Supreme Court in *Union of India and another vs. Kunisetty Satyanarayana (2006 (12) SCC 28)* and in various other cases, has repeatedly held that at the stage of enquiry, the Writ Court shall not interfere until and otherwise the notice was issued without any jurisdiction by an incompetent authority. The petitioners can very well appear before the first respondent and establish their rights over the property during the enquiry.

5. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

09.08.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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B.PUGALENDHI, J.

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