



W.P(MD)No.21764 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.21764 of 2023

and

W.M.P(MD)Nos.18159, 18160 & 18161 of 2023

Dr.M.Anandhi

... Petitioner

Vs

**1.The Revenue Divisional Officer,
Thirumangalam Division,
Madurai District.**

**2.The Tahsildar,
Thirumangalam Taluk,
Madurai District.**

3.T.Manilal

**4.M/s.Lyme Kemikals Private Limited,
Uchapatti Village,
Thirumangalam Taluk,
Madurai District.**

...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 records pertaining to the impugned proceedings issued by the first respondent in Na.Ka.No.A3/1968/2023 dated 11.08.2023 and quash



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the same on the ground of lack of jurisdiction and violation of the constitutional right of property of the petitioner and consequently directing the respondents 1 & 2 to relegate the third respondent to approach the competent civil court for establishing his right.

For Petitioner
For R1 & R2

:Mr.R.Aravindan
:Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner has filed this writ petition as against the notice issued by the first respondent/Revenue Divisional Officer, Thirumangalam in Na.Ka.No.A3/1968/2023 dated 11.08.2023. This notice appears to be issued by the Revenue Divisional Officer on the complaint of one T.N.Manilal as against one M.Sathappan and D.Thiyagarajan, Managing Director of M/s.Lyme Chemicals. The notice is an enquiry notice calling upon the parties for an enquiry scheduled to be conducted by the Revenue Divisional Officer on 07.09.2023 at 03.00 p.m.



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3. The grievance of the petitioner is that the Revenue Divisional Officer is attempting to conduct an enquiry behind his back based on the wrong complaint lodged by one Manilal, the third respondent herein. He further submitted that the enquiry is on the subject property in Survey No.2/1 of Dharmathupatti Village, Thirumangalam Taluk to an extent of 0.47.0 hectare. According to the petitioner, this land was purchased by way of tri-party agreement with ICICI bank and M/s.Lyme Chemicals Private Limited in the month of March 2003. If any proceedings initiated behind his back, he would be prejudiced.

4. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that on the enquiry which was conducted on 07.09.2023 the petitioner has also been appeared through the representatives and has also submitted certain documents with regard the same and requested for taken some more time to produce other relevant documents. On his request, the proceedings has also been adjourned to 29.09.2023.

5. This Court considered the rival submissions made by both parties.



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6. It appears that the second respondent had conducted an enquiry based on the application submitted by the third respondent T.Manilal before him and this enquiry is pertaining to the land in S.No.2/1 of Dharmathupatti Village, Thirumangalam Taluk. The petitioner claims that he has purchased the property through a tri-party agreement with the ICICI Bank and one M/s.Lyme Chemicals Private Limited, who is also a party to the enquiry which has been contemplated in the notice dated 11.08.2023.

7. In view of the submission of the learned counsel for the petitioner, the petitioner is also a necessary party to the proceedings and therefore, the petitioner is directed to appear before the Revenue Divisional Officer in the next date of hearing i.e., on 29.09.2023 and to place all the materials which is in his favour before the Revenue Divisional Officer. The Revenue Divisional Officer shall consider the case of the petitioner and to dispose of the enquiry in accordance with law as expeditiously as possible.



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8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

NCC : Yes / No.

Index : Yes / No.

Internet: Yes

am

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To

1. The Revenue Divisional Officer,
Thirumangalam Division,
Madurai District.

2. The Tahsildar,
Thirumangalam Taluk,
Madurai District.



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B.PUGALENDHI, J.

am

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W.P(MD)No.21764 of 2023

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