



W.P.No.6207 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.6207 of 2019

A.Marudhambal

... Petitioner

Vs.

1.The District Revenue Officer,
Office of the District Collector,
Perambalur District.

2.Samikannu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the first respondent to complete enquiry, pursuant to the summon issued in Na.Ka.No.A3/8682/2018 dated 30.08.2018 and followed by subsequent summon in Na.Ka.No.A2/8682/2018 dated 25.09.2018.

For Petitioner : Mr.R.Veeramani

For Respondents :
For R1 : M/s.R.L.Karthika
Government Advocate

For R2 : Mr.P.Mani



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ORDER

This Writ Petition has been filed seeking for issuance of a mandamus, to direct the first respondent to complete enquiry, pursuant to the summon issued in Na.Ka.No.A3/8682/2018 dated 30.08.2018 and followed by subsequent summon in Na.Ka.No.A2/8682/2018 dated 25.09.2018.

2. The case of the petitioner is that the subject matter property in Old Survey Nos.161/1, 161/2 and corresponding New Survey Nos.28/1, 28/2 at Paravai East Village, Kunnam Taluk, Perambalur District, measuring to an extent of 4.15 Acres belonged to and owned by the petitioner's predecessor Poosali Ammani Ammal and Pudur Koothayee Ammal. After their death, one Veeramuthu Poosari, husband of Late Pudur Koothayee Ammal, was cultivating the lands. On account of similarity in the name, the patta was wrongly issued/transferred to the name of the second respondent's father Late Veeramuthu Poosari.

3. The further case of the petitioner is that aggrieved by the wrong entry in the Patta, which was effected in the revenue record, the petitioner made a representation to the first respondent by enclosing all the necessary documents



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to establish his rights. The petitioner has also filed petitioner before the first respondent on 18.07.2018, to initiate criminal proceedings against the second respondent. Thereafter, the first respondent issued notices to the petitioner, calling for inquiry vide Na.Ka.No.A3/8682/2018 dated 30.08.2018 and 25.09.2018. On both dates, the petitioner appeared and produced all the relevant documents. Pursuant to the inquiry, the first respondent has not taken any steps against the second respondent. Hence the writ petition.

4. Learned counsel appearing for the petitioner submitted that the petitioner appeared for inquiry before the first respondent on two occasions viz., 20.09.2018 and 12.10.2018. But, the second respondent has not appeared and thereafter the inquiry proceedings did not continue.

5. In view of the above submission made by the learned counsel appearing for the petitioner, the first respondent is directed to conduct a detail inquiry after giving notice to both parties, opportunity of personal hearing, to consider the documents submitted by both parties, on merits, in accordance with law and pass appropriate orders by following the above principles of natural justice, within a period of six weeks from the date of receipt of a copy of



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this order.

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6. This Writ Petition is disposed of with the above observations and directions. No costs.

09.07.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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To

The District Revenue Officer,
Office of the District Collector,
Perambalur District.



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J.SATHYA NARAYANA PRASAD, J.

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