



W.P. No.4305 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.4305 of 2024

and

W.M.P.No.4614 of 2024

S.K.Dhandapani

... Petitioner

Vs.

1.The District Collector,
Tiruvallur Collectorate, Tiruvallur District.

2.The District Revenue Officer,
Tiruvallur Collectorate, Tiruvallur District.

3.The Revenue Divisional Officer,
Pallipat & Post & Taluk, Tiruvallur District.

4.The Tahsildar,
Pallipat & Post & Taluk, Tiruvallur District.

5.The Executive Officer,
Town Panchayat, Podattur Pet,
Tiruvallur District.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the summons issued by the 3rd respondent dated 05.02.2024 in ந.க.எண். 290/2024/A3 and quash the same.

For Petitioner : Mr. L. Ramu
For Respondents : Mr. T. Arun Kumar,
Additional Government Pleader. (for R1 to R4)
: Mr. T.M. Rajangam,
Government Advocate (for R5)

ORDER

This Writ Petition is filed seeking to issue a Writ of Certiorari, to call for the records pertaining to the summons issued by the 3rd respondent dated 05.02.2024 in ந.க.எண். 290/2024/A3 and quash the same.

2. The case of the petitioner is that, the petitioner inherited the property in question from his father Kannaian. Considering the enjoyment of his father and ancestors, the Special Tahsildar, Natham Nilavari Thittam, Pallipat, by proceedings dated 31.05.1995, had granted Patta in favour of the petitioner's father in respect of the property situated in S.F.No.128/13 and subsequently, in respect of S.F. No.128/22, considering the enjoyment



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of his father and ancestors, the 4th respondent/Tahsildar, Pallipattu, by his proceedings in Na.Ka.No.6378/A2 dated 19.07.1999, granted Patta in the name of the petitioner's father. While so, the 5th respondent attempted to construct bathroom in the said property. Hence, the petitioner's father filed a suit in O.S.No.379/1996 on the file of the District Munsif Court, Tiruttani, against the 5th respondent for permanent injunction in which, decree was passed on 24.03.1997. Once again, the 5th respondent attempted to trespass into the said property without any right. Hence, the petitioner has filed a suit in O.S.No.156/2012 on the file of the District Munsif Court, Pallipattu against him and others and same is pending. The contention of the learned counsel for the petitioner is that already a civil suit is pending and trial is going on. Such being the case, the 3rd respondent has issued summons directing the petitioner to appear for enquiry based on the complaint given by the 5th respondent to cancel the said Pattas. The 3rd respondent has no authority to conduct enquiry when a



civil suit is pending. Therefore, the summons issued by the 3rd respondent is liable to be quashed.

3. Mr.T.Arunkumar, learned Additional Government Pleader takes notice for the respondents 1 to 4. Mr.T.M.Rajangam, learned Government Advocate takes notice for the 5th respondent.

4. Heard and perused the materials available on record.

5. It is seen that the petitioner has challenged only the summons issued by the 3rd respondent, whereby the petitioner was directed to attend enquiry, which was scheduled on 21.02.2024. Now, the learned counsel for the petitioner submits that the petitioner has appeared for the enquiry on the said date. Therefore, the question of challenging the summons after appearing for enquiry, is not maintainable.

6. Even otherwise, if the petitioner has got any grievance, he has to appear before the 2nd respondent and to file his objections. However, now the enquiry date is over. Hence, this Writ Petition has become infructuous.



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7. However, the 3rd respondent is directed to conduct enquiry in the manner known to law after issuing a fresh notice to the petitioner, the 4th respondent herein, adjacent land owners of the four boundaries of the subject property and interested parties/rival claimants/objectors/aggrieved parties if any, as the case may be and pass orders on merits and in accordance with law, within the time as prescribed in the circular No.R1/2005632/2022 dated 17.07.2023 issued by the Commissioner of Land Administration, from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of at the admission stage itself. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

23.02.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Case Citation : Yes/No

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P.VELMURUGAN. J.

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