



W.P. No.6464 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.6464 of 2024

P.Jayanthi

... Petitioner

Vs.

1. The Sub Collector

Office of the Sub Collector

Chengalpat

2. The Tahsildar

Office of the Tahsildar, Chengalpat

3. C.Hemathiri

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certioratified Mandamus calling for the records relating to the impugned order/Notice dated 08.02.2024 in Ref.No. Na.Ka.1637/2022/A2, issued by the first respondent to hold an enquiry on the third respondent's application to cancel the patta by quashing the same and directing the parties to approach the Civil Court to adjudicate the title.

For Petitioner : Mr.R.Manickavel

For R1 and R2 : Mr.A.Selvendran

Special Government Pleader



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ORDER

This Writ Petition is filed challenging the impugned Notice dated 08.02.2024 in Ref.No. Na.Ka.1637/2022/A2, issued by the first respondent to hold an enquiry on the 3rd respondent's application to cancel the patta stands in the name of the petitioner and to quash the same and also direct the parties to approach the Civil Court to adjudicate the title.

2. The learned counsel for the petitioner submitted that the 3rd respondent made an application before the 1st respondent/Sub Collector to cancel the patta stands in the name of the petitioner and subsequently, that the 1st respondent entertained the application and straight away issued a summon/notice dated 08.02.2024 asking the petitioner to appear for enquiry on 20.02.2024. The contention of the learned counsel for the petitioner is that at the first instant, the 2nd respondent/Tahsildar only has to deal with the matter and pass orders and only thereafter, the aggrieved party can file appeal before the 1st respondent/Sub Collector and that the



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1st respondent/Sub Collector has no authority to issue summon straight away. The 1st respondent is only an appellate authority and he has no authority to conducted enquiry at the inception. Therefore, challenging the summon/notice issued by the 1st respondent, the present writ petition is filed.

3. Mr.A.Selvendran, learned Special Government Pleader takes notice for the respondents 1 and 2. Since no adverse order is being passed against the 3rd respondent, notice to the 3rd respondent is dispensed with.

4. Heard and perused the materials available on record.

5. It is seen that this Writ Petition is filed only challenging the summon issued by the 1st respondent dated 08.02.2024 wherein, the date of enquiry is fixed on 20.02.2024. According to the petitioner, the 1st respondent is an appellate authority and if any order is passed by him, there is possibility of the petitioner losing the appeal remedy. However, the



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learned counsel for the petitioner submits that the petitioner has already appeared before the 1st respondent on 20.02.2024 itself based on the said summon. After appearing before the 1st respondent for enquiry and after completion of enquiry, the petitioner cannot challenge the summon. Therefore, the petitioner is not entitled to the relief sought for.

6. Accordingly, this Writ Petition is dismissed. No costs.

7. However, the petitioner is at liberty to work out his remedy in the manner know to law.

13.03.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Case Citation : Yes/No

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To

1. The Sub Collector
Office of the Sub Collector
Chengalpat
2. The Tahsildar
Office of the Tahsildar
Chengalpat



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P.VELMURUGAN. J.

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