



WEB COPY



W.P.No. 25653 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 25653 of 2024
and W.M.P.Nos.28022 and 28023 of 2024

P.Rathanavel

...Petitioner

Vs

1.The District Collector,
Namakkal District, Namakkal.

2.The Revenue Divisional Officer,
Namakkal District, Namakkal.

3.The Tahsildar,
Rasipuram Taluk,
Rasipuram, Namakkal District.

4.The Village Administrative Officer,
Minakkal Agraharam Village,
Vennanthur Via,
Rasipuram Taluk,
Namakkal District.

5.A.Muthu Gounder

**6. The District Revenue Officer,
Namakkal**

...Respondents

**[R6 is suo motu impleaded as per order
of this Court dated 11.11.2024]**



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorrified Mandamus calling for the records of the Enquiry notice issued by the 2nd Respondent in his proceedings No. Na. Ka. 2590/2024/A6 dated 26.07.2024 and quash the same and consequently direct the 2nd Respondent and 4th Respondent to furnish the details sought for by the petitioner in letter dated 04.06.2024.

For Petitioner : Mr.R.Balaramesh

For Respondent 1 to 4 : Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

This Writ Petition is filed for the following relief:

“To issue a writ of Certiorarified Mandamus to call for the records of the Enquiry notice issued by the 2nd Respondent in his proceedings No. Na. Ka. 2590/2024/A6 dated 26.07.2024 and quash the same and consequently direct the 2nd Respondent and 4th Respondent to furnish the details sought for by the petitioner in letter dated 04.06.2024.



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2. It is the case of the petitioner that he is the owner of the property (being an agricultural land) in survey No. 95/4 in Patta No. 455. The 5th respondent is none other than the brother of the petitioner's deceased father. Since the petitioner settled in Chennai, he permitted the 5th respondent to look after the said agricultural land and collected the income from him.

3. It is the further case of the petitioner that the 5th respondent with an intention to grab the said property along with the undivided share of the petitioner's deceased unmarried aunt, made a representation to the 1st respondent to cancel the patta standing in the name of the petitioner on the ground that the patta was issued in the petitioner's name by mistake under the UDR Scheme.

4. Pursuant to the said representation the 1st respondent directed the 2nd respondent to conduct an inquiry and the 3rd respondent submitted a report dated 09.05.2024 to the 2nd respondent without hearing the



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petitioner. The petitioner requested the 2nd respondent vide a requisition letter dated 04.06.2024 to furnish the representation and documents produced by the 5th respondent, enquiry report dated 09.05.2024 and the orders made thereon.

5. The 2nd respondent, without furnishing any reply to the said requisition letter, issued an enquiry notice dated 26.07.2024 on the petitioner, against which the petitioner has moved this court

6. Heard the learned counsels on both sides.

7. **The Court suo motu impleads District Revenue Officer, Namakkal as the 6th respondent.** The subject matter before the revenue officials is the correction of the UDR and the jurisdiction vests only with the 6th respondent and the 2nd respondent has no jurisdiction to consider the said application. Therefore, the impugned notice is set aside and the 6th respondent is directed to initiate proceedings afresh and pass orders on merits and in accordance with law, after issuing notice to the parties, within a period of 2 months from the date of receipt of a copy of this



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order. The 6th respondent shall furnish the representation and documents produced by the 5th respondent to the petitioner and only thereafter shall initiate the enquiry proceedings. The documents should be sent along with the notice for enquiry. No costs. Consequently, connected miscellaneous petitions are closed.

11.11.2024

Index : Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

srn

To,

1.The District Collector,
Namakkal District,
Namakkal.

2.The Revenue Divisional Officer,
Namakkal District,
Namakkal.

3.The Tahsildar,
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Rasipuram,
Namakkal District.

4.The Village Administrative Officer,
Minakkal Agraharam Village,
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5. The District Revenue Officer,
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P.T.ASHA, J.,

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