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W.P.No.32945 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated :07.11.2024**

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**W.P.No.32945 of 2024**

**and**

**W.M.P.Nos.35757, 35758 and 35764 of 2024**

1.E.Kumar

2.E.Arulselvan

... Petitioners

**Vs**

1. The Revenue Divisional Officer,  
Office of the Revenue Divisional Officer,  
Kallakurichi District.

2.G.Mohan

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorari, calling for the entire records pertaining to the impugned summon in Na.Ka.Aa2/854/2024 dated /04/2024 of the 1<sup>st</sup> respondent and quash the same.

For Petitioners : Mr.E.D.Sethupathi

For 1<sup>st</sup> Respondent : Mr.A.Selvendran  
Special Government Pleader



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## **ORDER**

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The petitioner in this writ petition seeks to quash the enquiry notice issued by the 1<sup>st</sup> respondent herein, directing the petitioner to be present before him on 07.05.2024 at 3 p.m., for an enquiry that has been initiated on the representation of the 2<sup>nd</sup> respondent herein stating that the patta in respect of the property comprised in S.No.66/11 measuring an extent of 0.18.0 ares in Bangaram Village, Chinnasalam Taluk, Kallakurichi District has been wrongly issued in favour of Balamurugan S/o.Eswaran instead of G.Mohan S/o.Ganapathy (i.e.,) 2<sup>nd</sup> respondent herein.

2. Heard the learned counsel on either side.

3. The petitioner would challenge the said notice by stating that the property belonged to one Eswara Gounder, petitioners' father. On his demise, on 01.11.2002, the 1<sup>st</sup> petitioner along with his mother and three brothers and one sister had inherited the property. Petitioners'



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mother expired on 30.09.2005 and therefore, the 1<sup>st</sup> petitioner herein and his brothers E.Ravichandran, E.Arulselvan, E.Balamurugan and one sister Latha became the absolute owner of the property. Thereafter, the 1<sup>st</sup> petitioner and others had released their share in favour of their brother E.Balamurugan under Release Deed dated 13.09.2021 in Document No.4508/2021, he became the absolute owner of the property comprised in S.No.66/11. Thereafter, E.Balamurugan and two others executed Sale Deed in favour of E.Kumar and the said E.Kumar had obtained patta in his favour, he in turn sold the property to one Arulselvan under registered Sale Deed dated 25.10.2023 selling his 0.22 ½ cents out of 0.44 ½ cents. He had also obtained patta in his name and the balance 0.22 cents stood in the name of E.Kumar. Whiles, the notice was issued to E.Balamurugan who is no longer the owner of the property. The said Balamurugan had appeared before the 1<sup>st</sup> respondent and informed him that he was no longer the owner of the property and that the property stood in the name of E.Arulselvan (0.22 ½ cents) and E.Kumar(0.22 cents). The petitioners are none else than



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the brothers of the said E.Balamurugan. It is for this reason that they had sought to quash the enquiry notice. Although the enquiry notice has been addressed to the said Balamurugan, taking note of the said fact that the said Balamurugan had no interest in the property, the 1<sup>st</sup> respondent shall issue a fresh notice to the petitioners herein for enquiry. On receipt of the said notice, the respondents shall endeavour to dispose of the application filed by the 2<sup>nd</sup> respondent, after affording opportunity to both parties to make their submissions and pass orders within a period of six weeks from the date of receipt of the said notice.

4. With the above directions, this writ petition is disposed of. There shall be no order as to costs. Consequently connected miscellaneous petitions are closed.

07.11.2024

Index : Yes/No  
Speaking order/non-speaking order  
Neutral Citation: Yes/No  
ssn

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To

The Revenue Divisional Officer,  
Office of the Revenue Divisional Officer,  
Kallakurichi District.



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**P.T.ASHA, J.,**

ssn

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