



W.P.No.28102 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.28102 of 2017
and
W.M.P.No.30196 of 2017

A.Abdul Razack

... Petitioner

versus

- 1.The Revenue Divisional Officer,
5-73, SH 112, Gandhi Nagar,
Anna Nagar West Extension,
Chennai – 600 040.
- 2.The Tahsildar,
Tiruvallur High Road,
Gandhi Nagar, Ambattur,
Chennai - 600 053.
- 3.The Assistant Taluk Inspector,
Tiruvallur High Road,
Gandhi Nagar, Ambattur,
Chennai – 600 053.
- 4.The Zonal Deputy Tahsildar,
Tiruvallur High Road,
Gandhi Nagar, Ambattur,
Chennai – 600 053.

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5.The Village Administrative Officer,
Tiruvallur High Road,
Gandhi Nagar, Ambattur,
Chennai – 600 053.

6.Mukundan K.P

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari to call for the records pertaining to impugned notice issued by the first respondent in Na.Ka.No.1444/2017/A2, dated 28.08.2017 and to quash the same.

For Petitioner : Mr.M.Vivekanandan
For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R5

No appearance for R6

ORDER

This writ petition has been filed as against the impugned notice in Na.Ka.No.1444/2017/A2, dated 28.08.2017 issued by the first respondent calling upon the petitioner to appear for enquiry on 18.09.2017.

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2. The learned counsel for the petitioner submitted that the petitioner is the absolute owner of the subject property described in the present writ petition. The sixth respondent herein along with other parties instituted a suit in O.S.No.184 of 2010 on the file of the District Munsif Court, Ambattur for permanent injunction. The petitioner has also filed a civil suit in O.S.No.219 of 2010 on the file of the District Munsif Court, Ambattur for permanent injunction. Pending civil suits, the first respondent issued impugned notice calling upon the petitioner to appear for enquiry on 18.09.2017 at 11.00 a.m along with relevant documents, based on the application given by the sixth respondent herein, in and by which, he sought to cancel the transfer of Patta in Patta No.4516 in the name of the petitioner. While so, the petitioner appeared before the first respondent along with the counter petition, however, the first respondent refused to receive the same and the proceedings were adjourned to 09.10.2017. The petitioner along with his counsel appeared before the first respondent on 09.10.2017.

3. It is the submission of the learned counsel for the petitioner that



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since civil disputes are pending between the parties, the authorities cannot conduct enquiry and hence, the impugned notice issued by the first respondent is liable to be set aside.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for respondents 1 to 5 and perused the materials available on record. Despite service of notice, the sixth respondent has not chosen to enter appearance either through a counsel or in person.

5. It seen that in a similar writ petition in W.P.No.28225 of 2017, this Court by order dated 06.07.2023 has dismissed the writ petition. The relevant paragraph is paragraph No.5, which is extracted hereunder :

"5. That being the factum, the petitioner is at liberty to participate in the enquiry proceedings and the Revenue Divisional Officer, Ambattur shall conduct enquiry by affording opportunity to all the parties concerned for disposal of the application as expeditiously as possible."



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6. Needless to state that the impugned notice is only for calling upon the petitioner to appear for an enquiry on 18.09.2017 at 11.00 a.m along with relevant documents.

7. In view of the above, this Court is inclined to dispose of this Writ Petition on the same lines as of W.P.No.28225 of 2017 dated 06.07.2023. The petitioner herein is at liberty to participate in the enquiry proceedings initiated by the first respondent and the first respondent/Revenue Divisional Officer, is directed to issue notice to the petitioner and the sixth respondent herein as well as interested parties/rival claimants if any, and conduct the enquiry in the manner known to law and pass appropriate orders on merits and in accordance with, if the same has not be disposed of so far.

8. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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P.VELMURUGAN, J.

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