



W.P.(MD).No.891 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.891 of 2024

and

W.M.P(MD)Nos.910 and 911 of 2024

Samayadurai

... Petitioner

vs.

1.The Tahsildar,
Manamadurai,
Sivagangai District.

2.The Sub-Inspector of Police,
Manamadurai,
Sipcot Police Station,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the first respondent proceedings in A4/7347/2023 dated 15.12.2023 and quash the same as illegal and consequently directing the first and second respondents to take adequate measures and protection to complete the harvesting exercise of the petitioner's undivided land.



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For Petitioner : Mr.G.Ravisankar
For R-1 : Mr.SRA.Ramachandran,
Additional Government Pleader
For R-2 : Mrs.M.Aasha,
Government Advocate(Crl. Side)

ORDER

This Writ Petition has been filed by the petitioner challenging the enquiry notice issued by the first respondent in A4/7347/2023 dated 15.12.2023 and consequently, to direct the first and second respondents to take adequate measures and protection to complete the harvesting exercise of the petitioner's undivided land.

2. The case of the petitioner is that there is a dispute between the petitioner(B-Party) and his younger brother Gnanaiah (A-Party) with regard to cultivating and harvesting of crops in their undivided land and there is also a civil suit pending in O.S.No.83 of 2019 on the file of the District Munsif Court, Manamadurai. In the meantime, without verifying the documents, patta has been issued in favour of A-Party. On the basis of mutation of document, A-party claimed the entire property. Hence, a dispute arose between them. In such circumstances, the first respondent has issued the impugned notice to both the parties directing to appear for



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enquiry. Being aggrieved, the petitioner has filed this writ petition.

3. When the matter is taken up for hearing today, the learned Additional Government Pleader appearing for the first respondent, on instructions, would submit that because of the dispute between the two rival groups, there was a chance for law and problem arose in that locality and hence, the first respondent has issued the impugned enquiry notice. However, both the parties are not ready to resolve the dispute. Hence, they were directed to approach the competent civil Court.

4. In view of the said submissions made by the learned Additional Government Pleader stating that both the parties were called for enquiry and since both the parties are not ready to resolve the dispute, they were directed to appear approach the civil Court, the prayer sought for by the petitioner to quash the enquiry notice, dated 15.12.2023, has become infructuous.



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5. With regard to protection to the paddy crops already cultivated in the land, the petitioner's brother has already harvested the crops which he planted and the crops cultivated by the petitioner are to be harvested. It is made clear that the petitioner cannot seek protection before this Court and he has to approach the competent civil Court to avail the remedy if any available. However, the Revenue Authorities are now giving an undertaking that they will see to that the petitioner is harvesting the remaining paddy crops.

6. As the prayer sought for by the petitioner has become infructuous, this writ petition is dismissed as infructuous. No Costs. Consequently, connected Miscellaneous Petitions are closed.

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Index:Yes/No
NCC:Yes/No
PM



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V.BHAVANI SUBBAROYAN,J.

PM

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