



WEB COPY



W.P(MD)No.5722 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5722 of 2024

and

W.M.P.(MD)No.5407 of 2024

R.Chinnaiah

... Petitioner

Vs.

1.The District Revenue Officer,
Pudukkottai Collector Office,
Pudukkottai District.

2.Karunaiselvi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent not to conduct any proceedings in his Na.Ka.No.1668769/2024/A3 relating to the petitioners property in T.S.No.7437/5 with an extent of 286.5 sq. mtr. (7 cents) of Pudukkottai Town, Taluk and District when the matter is pending before the Honourable Sub Court, Pudukkottai in O.S.No.59 of 2024.

For Petitioner : Mr.R.Paranjothi

For Respondents : Mr.A.Kannan
Additional Government Pleader for R1



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ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for R1.

2. The first respondent had issued the impugned enquiry notice calling upon the petitioner to attend enquiry. The first respondent had informed the petitioner that the second respondent had sought cancellation of the petitioner's patta. The grievance of the petitioner is two fold. The first respondent is not the competent authority. He is only a revisional authority. Civil suit is pending between the parties in O.S.No.59 of 2024 on the file of the Sub Court, Pudukkottai.

3. Instead of deciding this issue on merits, I relegate the petitioner to seek relief in the pending suit itself. The petitioner is given liberty to file IA for restraining the first respondent from conducting enquiry pursuant to the impugned enquiry notice dated 12.02.2024. If any such application is filed, it shall be numbered immediately and disposed of on merits and in accordance with within a period of four weeks. The second respondent should of-course be heard before the final order is passed in IA. The first respondent is directed to keep the proceedings in abeyance till the disposal of IA. This benefit given to



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the petitioner will stand vacated automatically if the petitioner fails to file such an IA within a period of two weeks from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

11.03.2024

Index : Yes / No
Internet : Yes/ No
rmi

To

1.The District Revenue Officer,
Pudukkottai Collector Office,
Pudukkottai District.

2.The Sub Court, Pudukkottai



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G.R.SWAMINATHAN, J.

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