



W.P.(MD)No.9557 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.9557 of 2021

and

W.M.P.(MD)No.7310 of 2021

K.Pandithurai

... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Pudukkottai District.
2. The District Revenue Officer,
Pudukkottai District.
3. The Tahsildar,
Office of the Tahsildar,
Thirumayam,
Pudukkottai District.

4. S.Ibrahim Sha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned enquiry notice issued by the third respondent in Na.Ka.No.4322/2016/A2 dated 21.05.2021 and quash the same as illegal and unconstitutional and consequently



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forbearing the respondents 1 to 3 from passing any orders in respect of the property comprised in S.No.821/2 situated at Thirumayam Village, Thirumayam Taluk, Pudukkottai District till final judgment is passed by the competent civil Courts in O.S.No.40 of 2017 and O.S.No.175 of 2017.

For Petitioner : Mr.A.Shajahan

For R1 to R3 : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

The Writ Petition is directed against the enquiry notice issued by the third respondent in Na.Ka.No.4322/2016/A2 dated 21.05.2021 directing the writ petitioner to appear for enquiry on 26.05.2021 with regard to the objection given by the fourth respondent.

2. The case of the writ petitioner is that he has purchased the property in dispute vide sale deed dated 15.12.2014, that the revenue officials have inspected the said property on 25.03.2017 and at that time, the writ petitioner came to know that the third respondent is arranging to assign the said property in favour of the fourth respondent and his mother, that the writ petitioner has already filed a suit in O.S.No.40 of



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2017 on the file of the District Munsif Court, Thirumayam claiming permanent injunction against the fourth respondent and revenue officials, that the fourth respondent has filed a suit in O.S.No.175 of 2017 against the writ petitioner and one Karuppaiah seeking declaration that the suit property belongs to the fourth respondent and for consequential permanent injunction and also to declare that the sale deed dated 15.12.2014 as null and void and that both the suits are pending.

3. The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that since two suits with respect to the same property are pending, the third respondent may be directed to conduct enquiry subject to the result of the suits that are pending.

4. Recording the submissions made on either side, the impugned enquiry notice dated 21.05.2021 passed by the third respondent in Na.Ka.No.4322/2016/A2 is hereby set aside and the third respondent is at liberty to conduct enquiry subject to the result of the suits that are pending in O.S.Nos.40 and 175 of 2017.



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5. With the above observation, this Writ Petition is disposed of.

Consequently, connected Miscellaneous Petition is closed. No costs.

13.03.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

To

1. The District Collector,
Office of the District Collector,
Pudukkottai District.
2. The District Revenue Officer,
Pudukkottai District.
3. The Tahsildar,
Office of the Tahsildar,
Thirumayam,
Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J

csm

Order made in
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and
W.M.P.(MD)No.7310 of 2021

Dated : 13.03.2024