



WP(MD). No.28404 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

WP(MD). No.28404 of 2024
and WMP(MD) Nos.24112 and 24114 of 2024

Kumaresan @ Raja

... Petitioner

Vs

1. The Revenue Divisional Officer,
Melur,
Narasingampatti,
Madurai District.

2. The Tahsildar,
Madurai East Taluk,
Madurai District..

3. The Land Surveyor,
Madurai,
Madurai District..

4. Bharanidharan,
S/o.R.Krishnamoorthy,
Door No.88/232, R.K.Madathu Street,
Mylapore, Chennai - 600 004.

... Respondents

1/51/5



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PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the 1st respondent dated 4/11/2024 in proceedings Na.Ka.No. 6735/2024/Aa4, quash the same, as the same is arbitrary, ultra-vires, in excess of powers, in colorable exercise of power.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents : Mr.S.Saji Binu for R1 to R3
Special Government Pleader

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. Since no adverse orders are going to be passed against the 4th respondent, notice to the 4th respondent is dispensed with.

3. The summons calling upon the petitioner to participate in an enquiry is put under challenge.

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4. According to the petitioner, the authorities are conducting enquiry with regard to a private land wrongly claiming it as an encroachment. On these factual objections, a writ cannot be issued when a challenge is made to summons, which legal position is well settled through a catena of decisions. The petitioner herein has not raised any grounds which fall under exception to interfere with the summons. This apart, the petitioner had already participated in the enquiry also and has produced necessary records to substantiate his case. While that being the case, it will not be appropriate to interfere with the summons. Hence, there is no merit in this writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

[M.S.R.,J]

[A.D.M.C.,J]

28.11.2024

NCC : Yes/No

Index : Yes/No

RR

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M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

RR

petitione

ORDER
IN
WP(MD) No.28404 of 2024

Date : 28/11/2024

5/55/5