



W.P.(MD)No.29029 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.29029 of 2024

and

W.M.P(MD)No.24590 of 2024

1.Jayapandi

2.Santhi

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

2.The Tahsildar,
Usilampattai Taluk,
Madurai District.

3.Veerasakthivel

4.Pounammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of the first respondent in Na.Ka.No.4223/2023/A3 and quash the same as illegal.



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For Petitioners : Mr.P.Ganapathy Subramanian

For R1 & R2 : Mr.A.Muthumanikkam
Government Advocate

ORDER

The writ petition has been filed challenging the enquiry notice of the first respondent, dated 25.10.2023.

2. The petitioners purchased 70 cents of land in S.Nos.60/4C, 60/4D, 60/2C, 60/4B, 60/5B under registered sale deed, dated 10.08.1992, and right from the date of purchase, the petitioners are in peaceful possession and enjoyment of the property. While so, the petitioners came to know that in the patta issued for the subject property, the extent was wrongly mentioned as 64 cents instead of 70 cents. The petitioners therefore submitted a representation to rectify the mistake and to issue patta to them for the entire extent purchased by them. While so, the petitioners were shocked and surprise to receive a notice of enquiry in an application filed by the respondents 3 and 4 for issuance of patta in their favour for the lands in S.Nos.60/4C and 60/4D to an extent of 0.01.00 and 0.02.00 ares respectively. The petitioners submitted their objections to the first respondent explaining that they were the absolute owner of the property.



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According to the petitioners as the respondents 3 and 4 had no right over the property, they were constrained to file the above writ petition for the aforesaid relief.

3. The learned counsel for the petitioners submitted that the respondents 3 and 4 had no title or interest in the property and therefore, the enquiry notice on the basis of the application of the respondents 3 and 4 was illegal and deserved to be set aside.

4. The learned Government Advocate for the respondents 1 and 2, on instructions, submitted that the petitioners in pursuance of the impugned enquiry notice, submitted their counter which is annexed at Page No.89 of the type set of papers. The learned Government Advocate therefore submitted that the petitioners having participated in the enquiry proceedings by filing counter, cannot turn around and challenge the same. The learned Government Advocate hence submitted that the writ petition deserved to be dismissed.

5. I find force in the submission of the learned Government Advocate. The petitioners having chosen to participate in the enquiry by filing the counter cannot turn around and challenge the enquiry notice. I therefore find no merits



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in the writ petition. In any event, as the enquiry has been pending before the first respondent since 2023, a direction is issued to the first respondent to dispose of the appeal on merits, in accordance with law and after due notice to the petitioner and the respondents 3 and 4, within a period of 12 weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

04.12.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
SN

To:

- 1.The Revenue Divisional Officer,
Usilampatti,
Madurai District.
- 2.The Tahsildar,
Usilampattai Taluk,
Madurai District.



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N.MALA, J.

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