



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

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CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.5001 of 2025
and W.M.P.No.5551 of 2025

Subramanai

... Petitioner

Vs.

1.The Tahsildar,
Salem West,
Salem District.

2.The Village Administrative Officer,
Enaam Vedukathampatty Village,
Thirumalaigiri Post, West Taluk,
Salem District 636 005.

3.Palanisamy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in Na. Ka No.1638/2024/Aa2 dated 20.12.2024 and quash the same and consequently direct the 1st and 2nd Respondent not to conduct revenue enquiry with respect to the properties in S No.7/4 to the extent of 41/2 cents 6/27C to the extent of 0.21 cents, S.No.7/4 to the extent of 0.05 cents S.No.53/11 to the extent of 0.16 cents situated at Vedukathamapatty Village, Salem district pending before the Civil Court.



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For Petitioner : Mr.M.Arun
For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 & R2

ORDER

This writ petition has been filed challenging the impugned notice issued by the 1st respondent dated 20.12.2024 calling the petitioner for an enquiry based on the application submitted by the 3rd respondent wherein, the 3rd respondent has sought for transfer of patta in his name.

2.Heard Mr.M.Arun, learned counsel appearing on behalf of the petitioner and Mr.A.Selvendran, learned Special Government Pleader appearing on behalf of the respondents 1 & 2.

3.The main grievance that has been expressed by the petitioner is that there is a suit pending in O.S.No.565 of 2010 against the 3rd respondent and four others before the Sub Court and the petitioner has sought the relief of partition and 1/6th share in the subject property and for a permanent injunction restraining the defendants from alienating or encumbering the suit property. When this suit is yet to be disposed of on merits, the application has been submitted by the 3rd respondent and based on the same, the impugned enquiry notice has been issued by the 1st respondent.



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4. When the matter was taken up for hearing today, it was brought to the notice of this Court that the suit has been dismissed for default and is yet to be restored. Under such circumstances, till the suit is restored, there is no bar for the 1st respondent to deal with the representation made by the 3rd respondent on its own merits and in accordance with law. Hence, a mere notice issued by the 1st respondent to the petitioner cannot be put to challenge and it is left open to the petitioner to give his objections before the 1st respondent which will be considered before passing final orders. Except giving this clarity, no orders can be passed in this writ petition.

5. This writ petition is disposed of in the above terms. No Costs. Consequently, connected miscellaneous petition is closed.

19.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr



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N. ANAND VENKATESH, J.

SSR

To

1.The Tahsildar,
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Salem District.

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