



Writ Petition No.14591 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.14591 of 2025

and

W.M.P.No.16476 of 2025

D.Palanivel
S/o.Duraisamy, No.165- Erikadu,
Pudukadu, Minjini Post, Attur
Taluk, Salem District.

Petitioner

Vs

1. The District Collector
Office Of The Collectorate,
Salem District.
- 2.The District Revenue Officer
Office Of The Collectorate,
Salem District.
- 3.The Tahsildar
Office Of The Tahsildar,
Thalaivasal, Salem District.

Respondent(s)

Prayer:

Writ Petition filed under Article 226 of the Constitution of



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India seeking issuance of a Writ of Certiorari, calling for the records relating to the impugned summon dated 04.04.2025 in Na.Ka.No. 2842948/2024/G1 by the 2nd respondent and quash the same as illegal and non est in the eye of law.

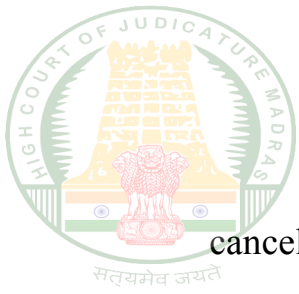
For Petitioner : Mr.A.Rajakumar
For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned summons issued by the second respondent dated 04.04.2025 wherein, the petitioner has been called for an enquiry based on the application / report submitted by the Revenue Divisional Officer dated 17.12.2024.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3. The main grievance that was expressed by the learned counsel for the petitioner is that the property was purchased by the petitioner's father in the year 1975 through a registered sale deed dated 07.07.1975 registered as Document No.2333 of 1975. After the demise of his father, the petitioner became the owner of the property and patta is also standing in the name of the petitioner and his mother in Patta No.477. While so, the second respondent has initiated proceedings to



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cancel the patta granted in favour of the petitioner.

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4. The learned counsel for the petitioner submitted that the second respondent does not have the power or jurisdiction to cancel the patta that stands in the name of the petitioner and his mother.

5. Per contra, the learned Special Government Pleader for the fourth respondent submitted that the second respondent has only called for an enquiry and directed the petitioner to submit all relevant documents. The petitioner sought for some time to submit the documents and now, the enquiry is posted on 23.05.2025. The learned Special Government Pleader submitted that the second respondent has all the authority to conduct enquiry and the petitioner is being given an opportunity and therefore, there is no ground to interfere with the proceedings.

6. The present writ petition has been filed on mere apprehension that the respondents are attempting to convert the patta land into a pathway. Therefore, according to the petitioner, the patta will be cancelled and the petitioner will be deprived of the property.

7. In the considered view of this Court, an order cannot be passed in the writ petition merely based on apprehension. The petitioner is confident enough to sustain the title over the property through the title



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deed and also the patta that stands in the name of the petitioner. If that be the case, the relevant documents should be submitted by the petitioner before the second respondent. Even if the second respondent ultimately issues proceedings, which goes against the petitioner, the petitioner can always challenge the same in the manner known to law. It is not as if the petitioner is going to be thrown away from the property without giving an opportunity. Hence, the notice issued by the second respondent cannot be interfered with by this Court at this stage.

8. It is made clear that the second respondent will give sufficient opportunity to the petitioner and thereafter, take a decision.

This Writ Petition is disposed of in the above terms. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

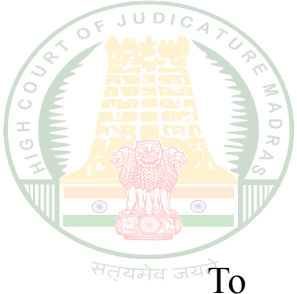
24.04.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

mk



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To
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N.ANAND VENKATESH.J.,

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