



W.P(MD)NO.4778 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.07.2025

CORAM:

THE HON'BLE MR JUSTICE S.SOUNTHAR

W.P(MD)No.4778 of 2025

and

W.M.P(MD)No.3449 of 2025

1.S.Siluvaikani

2.S.Paul Soosai Manuvel

3.S.Benyamin Francis ... Petitioners/Petitioners

.Vs.

1.The Revenue Divisional Officer,
Tiruchendur Taluk,
Thoothukudi District.

2.The Tahsildar,
Sathankulam,
Thoothukudi District.

3.R.Ratheesh Kumar ... Respondents/Respondents

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 relating to the enquiry notice, dated 28.1.2025 in proceedings in Na.A7/3602/2024, on the file of the first respondent and quash the same as illegal.



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For Petitioners : Mr.M.P.Senthil
For Respondents : M/s.K.Malathi
1and 2 Addl.Govt. Pleader
For Respondent-3 : Mr.V.Rajiv Rufus

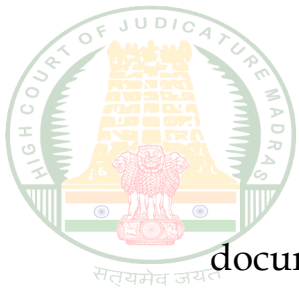
ORDER

The Writ Petition is filed challenging the notice issued by the first respondent calling the Petitioner for an enquiry in respect of the representation submitted by the third respondent.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The impugned notice was challenged on the ground that the first respondent has no jurisdiction to consider the issue raised by the third respondent in his representation and therefore, the proposed enquiry is only a futile exercise.

4.A perusal of the representation submitted by the third respondent before the first respondent based on which the impugned notice of enquiry was issued, would indicate that the third respondent sought for cancellation of certain registered



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documents executed by Alice Ammal and also the Petitioner's father Solomon in favour of Holy Trinity Church, Salaipudur. The revenue officials cannot go into the disputed question of title or validity of the registered documents. If the third respondent has got any grievance with regard to the validity of the registered documents executed by the above said Alice Ammal and Petitioner's father Solomon, it is for him to approach the Civil Court seeking necessary relief. The revenue documents issued based on the registered documents cannot be faulted, till the documents are set aside or cancelled in the manner known to law.

5. In the light of the relief sought for by the third respondent before the first respondent, this Court feels that the enquiry initiated by the first respondent is only a futile exercise. Even assuming that the first respondent agree with the contention of the third respondent and come to a conclusion that the registered document executed by the above said Alice Ammal and Petitioner's father Solomon are invalid in the eye of law, he cannot grant any relief to the third respondent by making a declaration regarding the validity of the document, which is a Civil Court's domain. No purpose will be served by directing the first respondent to go into the allegations made by the third respondent and as a necessary consequence, impugned enquiry



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notice issued by the first respondent is liable to be quashed.

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6.The learned counsel for the Petitioner by referring to the certificate issued by the Tahsildar, the second respondent herein in Pa.Mu(Aa.1)/800/2022, dated 31.03.2022 would submit that the said certificate was issued without verifying the title documents of Alice Ammal and Solomon and the same was utilized for registration of the subsequent documents executed by them. If it is the case of the Petitioner that the certificate issued by the Tahsildar is invalid in the eye of law and the same was issued without verification of revenue records, it is for him to make a separate representation before the competent authority. In the present representation, the Petitioner has not made any reference about any certificate issued by the Tahsildar, the second respondent herein.

7.In these circumstances, the enquiry notice issued by the first respondent impugned in this Writ Petition is quashed and the Writ Petition stands allowed with liberty to the third respondent to work out his remedy before the competent Civil Court. As far as the certificate allegedly issued by the second respondent is concerned, it is open to the Petitioner to submit a fresh representation before the competent authority, for necessary relief, if so advised. No costs. Consequently, connected Miscellaneous



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Petition is closed.

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NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To

1.The Revenue Divisional Officer,
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Thoothukudi District.

2.The Tahsildar,
Sathankulam,
Thoothukudi District.

S.SOUNTHAR.,J.

vsn

ORDER MADE IN

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