



W.P.(MD) No.24100 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:12.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.24100 of 2017

and

W.M.P(MD)Nos.20228 of 2017 and 16692 of 2018

G.Murugesan (Died)

1.Jegathambal

2.Ganapathi

3.Ravishankar

4.Poornima

... Petitioners

[P1 to P4 are substituted vide order dated
16.12.2024 in WMP(MD)No.20672 of 2024]

vs.

1.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.

3.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram.

4.Boomithasan

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the enquiry notice in Na.Ka.No.B6/43491/2017, dated 26.09.2017 issued by the first respondent and quash the same.

For Petitioners : Mr.J.Barathan

For Respondents : Mr.B.Saravanan
Additional Government Pleader for R1 to R3

No Appearance for R4

ORDER

The petitioners challenge the enquiry notice dated 26.09.2017 requiring the petitioners to attend an enquiry on 06.10.2017 in respect of the complaint lodged by the fourth respondent on the ground that the subject lands have been classified as 'Mayanam' and the patta issued in favour of the petitioners has to be cancelled.

2.Heard Mr.J.Barathan, learned counsel appearing for the petitioners and Mr.B.Saravanan, learned Additional Government Pleader appearing for the official respondents 1 to 4. There is no representation on behalf of the fourth respondent.



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3.No doubt, the petitioners challenge only an enquiry notice as contended by the learned Additional Government Pleader.

4.The learned Additional Government Pleader would submit that the petitioners can very well attend the enquiry and submit all relevant documents to enable the enquiry to be concluded, which may also end in favour of the petitioners.

5.Per contra, the learned counsel for the petitioners would submit that pursuant to a decree of a competent Court and an appeal preferred therefrom, which also came to be dismissed, the deceased petitioner's right in the subject property has been clearly established before the competent Court of law. He would further submit that as against certain third parties, the original petitioner has also filed yet another suit for declaration of title and for recovery of possession and even in the said suit, the petitioner has succeeded and has also satisfied the decree by recovering possession of the property from the encroachers.



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6. On going through the complaint, based on which the present enquiry is proposed to be conducted, I find that the complainant, namely, the fourth respondent has no right in the subject lands. He has sent a letter to the District Revenue Officer on 28.08.2017 stating that the subject lands are classified as 'Mayanabhoomi' and therefore the patta in favour of the original petitioner and his predecessors in title, namely, the trust, should be revoked. The very same issue has been gone into by the competent civil Court, where the original petitioner herein was cited as the second defendant. I find that the said suit was filed under Order 1 Rule VIII of CPC, in a representative capacity for the very same relief that the subject lands are classified as burial ground. The said suit, after contest, came to be dismissed and the appeal preferred therefrom was also dismissed, confirming the judgment and decree against the plaintiff in the said suit and in favour of the second respondent herein and therefore, there is absolutely no necessity for any further enquiry to be conducted, that too based on the complaint of a total stranger to the subject property. Further, I find that the writ petition was admitted wayback in the year 2017 and an interim stay has also been granted. Therefore, relegating the petitioners to suffer another round of proceedings by way of enquiry before the revenue authorities after having succeeded before the competent civil Court would be unfair, besides an exercise in futility.



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7.In view of the above, enquiry notice in Na.Ka.No.B6/43491/2017, dated 26.09.2017 is quashed and this petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

12.02.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

- 1.The District Revenue Officer,
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P.B.BALAJI, J.

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