



WEB COPY



W.P.No.6424 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2026

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.No.6424 of 2020
and W.M.P.No.7590 of 2020

Meenakshisundaram

... Petitioner

Vs.

1.The District Revenue Officer,
Chennai Division,
Chennai – 1.

2. The Tahsildar,
Maduravoyal,
Chennai – 95.

3. Dr.Sangeetha

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records on the file of the first respondent in proceedings NA.KA.24893/2018/J14 dated 11.11.2019 and quash the proceedings as illegal, incompetent and without jurisdiction.

For Petitioner : Mr.S.Karthik

For Respondents

For R1 & R2 : Mr.C.Jayaprakash
Government Advocate

For R3 : No appearance



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ORDER

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This Writ Petition has been filed challenging the impugned notice/summon dated 11.11.2019 issued by the first respondent.

2. By the impugned notice/summon, the petitioner has been called upon to appear for hearing on 19.11.20219 before the first respondent with regard to the reference letter dated 25.09.2019 issued by a former Minister for the State of Tamil Nadu. The petitioner has challenged the impugned summon/notice on the ground that, in the revenue records as per the proceedings dated 28.06.2019 of the Revenue Department, it has been finally decided that the petitioner is in possession of the property more fully described in the affidavit filed in support of this Writ Petition and therefore, the question of recalling the said proceeding dated 28.06.2019 by virtue of the impugned summon/notice dated 11.11.2019 issued by the first respondent does not arise.

3. The petitioner also contends that the third respondent, at whose instance the communication dated 25.09.2019 was sent by a former Minister for the State of Tamil Nadu, which is reflected in the impugned summon, had not even given a complaint for cancellation of the order dated 28.06.2019, passed in favour of the petitioner by the Revenue Department for the subject property. On



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the aforementioned grounds, this Writ Petition has been filed challenging the impugned notice/summon issued by the first respondent dated 11.11.2016.

4. Admittedly, no reply was sent by the petitioner to the first respondent to the impugned summon/notice dated 11.11.2019, before filing this Writ Petition. If the order dated 28.06.2019 passed by the District Revenue Officer has attained finality, the petitioner ought to have sent a reply to the first respondent on receipt of the impugned summon/notice dated 11.11.2019. Instead, he has chosen to file this Writ Petition prematurely. Only if the first respondent rejects the request of the petitioner's representations that the order dated 28.06.2019, referred to supra, cannot be recalled, the petitioner can redress his grievance by filing a Writ Petition. However, without even sending a reply to the impugned summon/notice dated 11.11.2019 sent by the first respondent, the petitioner has prematurely chosen to file this Writ Petition.

5. In view of the same, this Writ Petition has been filed prematurely and is not maintainable at this stage. The petitioner will have to submit his reply to the impugned summon/notice to the first respondent and wait for the outcome of the first respondent pursuant to the said reply and only thereafter, if aggrieved by the same, he has a right to file a Writ Petition.



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5. For the forgoing reasons, the Writ Petition is disposed of, since the same has been filed prematurely, by directing the petitioner to submit a reply for the impugned summon/notice dated 11.11.2019 to the first respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent shall pass final orders on merits and in accordance with law after giving due consideration to the petitioner's reply within a period of eight weeks thereafter, by taking a decision as to whether there is a necessity for the first respondent to proceed with further proceedings pursuant to the issuance of the impugned summon/notice dated 11.11.2019 or not.

6. In terms of the aforesaid directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

05.01.2026

Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order

rts



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ABDUL QUDDHOSE, J.

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