



WEB COPY

WP Nos. 16881 and 16884 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

W.P. Nos. 16881 and 16884 of 2021

and W.M.P.Nos.17857 and 17860 of 2021

G.Hemavathy
W/o.Gopal, No.492,494 and 496, Anna Salai,
Puducherry-1

..Petitioner in
W.P.No.16881 of 2021

1. R.Ravikumar
S/o.Late Ramalingam, No.500, 502 and 504,
Anna Salai,Puducherry-1.
2. R.Jothi
S/o.Late. Raghavan, Calve Bungalow,
Puducherry.

..Petitioner in
W.P.No.16884 of 2021

Vs

1. Union Territory of Puducherry
Rep by its Chief Secretary, Secretariat,
Puducherry.
2. The Deputy Collector (Revenue)
North-Cum- Estate Officer, Puducherry.
3. The Tahsildar
Puducherry Taluk Office, Puducherry.



- ..Respondent(s)
in both W.P.

Mr.S.Shivsuriya
for Mr.S.A.Kannan for R4
No appearance for R5 and R6

**COMMON ORDER****(Order of the Court was made by S.M.SUBRAMANIAM J.)**

The present Writ Petitions have been instituted challenging the Form-A notice issued under sub-section (1) and clause (b)(ii) of sub-section (2) of Section 4 of Public Premises (Eviction of Unauthorised Occupants) Act, 1971. (hereinafter referred to as “the Act”)

2. The grounds for issuance of notice have been set out in the impugned call letter. The Deputy Collector (Revenue)-North-cum-Estate Officer, Puducherry, called upon the petitioners or their authorised representatives, capable of answering all material questions connected with the matter, to appear before him along with evidence for personal hearing on 03.08.2021 at 11.00 a.m. The petitioners, instead of appearing before the Estate Officer along with the relevant documents and evidences, have chosen to file the present Writ Petitions. Such summons issued by the Estate Officer, providing an opportunity of personal hearing, would provide no cause for institution of writ proceedings.



3. Section 8 of the Act speaks about the powers of Estate Officers, which reads as follows:-

An estate officer shall, for the purpose of holding any inquiry under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters, namely:--

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) any other matter which may be prescribed.

4. Section 9 of the Act provides appeal. Sub-section 1 stipulates that *an appeal shall lie from every order of the estate officer made in respect of any public premises under [section 5 of section 5B [or section 5C] or section 7 to an appellate officer who shall be the district judge of the district in which the public premises are situate or such other judicial officer in that district of not less than ten years' standing as the district judge may designate in this behalf.*

5. Therefore, the Estate Officer, if he has reason to believe that an action is warranted under the Act, is empowered to issue a summons to the person concerned for the purpose of conducting an inquiry. A person, who has received such notice, may appear before the Estate Officer and place his defence along with documents and evidences, if any. However, the said notice issued would provide no cause for the institution of writ proceedings. The



Estate Officer is empowered to adjudicate both facts as well as the legal grounds raised between the parties.

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6. An aggrieved person, if dissatisfied with the order passed by the Estate Officer, may prefer an appeal before the District Court, which is the competent judicial forum under the scheme of the Act. The present Writ Petitions are not only pre-mature, but, have also become infructuous, since the date and time fixed for conducting the inquiry have already lapsed and further inquiry is not fixed on account of the interim order granted in the present Writ Petitions.

7. The present Writ Petitions are devoid of merits and are liable to be dismissed and accordingly, the same are dismissed. The Estate Officer may issue a fresh notice fixing the date and time for conducting the inquiry. On receipt of such notice, the petitioners are at liberty to participate in the process of inquiry and defend their case in the manner known to law. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

(S.M.S.,J.) (K.S.,J.)
09-03-2026

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

Asi



To

1. The Chief Secretary,
Union Territory of Puducherry
Secretariat, Puducherry.
2. The Deputy Collector (Revenue)
North-Cum- Estate Officer, Puducherry.
3. The Tahsildar
Puducherry Taluk Office, Puducherry.
4. G.Nehru @ Kuppusamy
S/o.Gopalasamy, No.32D, Bharathipuram Main
Road, Govindasalai, Puducherry- 605 011.
5. M.Kandasamy
Working as Deputy Collector, (Revenue)-North
Cum- Estate Officer, Puducherry.
6. Kumaran
working as Tahsildar, Puducherry Taluk Office,
Puducherry.



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S. M. SUBRAMANIAM, J.

and

K. SURENDER, J.

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