
(2010) 12 MAD CK 0257

Madras High Court (Madurai Bench)

Case No: Writ Petition (MD) No. 11039 of 2005 and M.P. (MD) No. 11757 of 2005

Chellappan @
Chellamuthu

APPELLANT

Vs

The Revenue
Divisional officer

RESPONDENT

Date of Decision: Dec. 20, 2010

Hon'ble Judges: M. Venugopal, J

Bench: Single Bench

Advocate: N. Marivel, for the Appellant; Sasikumar, G.A. for R.2, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

M. Venugopal, J.

The Petitioner has filed the present writ of certiorari to call for the records relating to the issuance of enquiry notice in rp.g.33/03/M1 dated 10/8/2005 issued by the Respondent and to quash the same as an illegal one.

2. The learned Counsel appearing for the Petitioner submits that the Revenue Divisional Officer, Palani by his Enquiry Notice dated 10/8/2005 has directed the Village Administrative Officer, Ambiligai to produce the available records on 19/8/2005 at about 3.00 p.m., in his office in connection with the enquiry on the basis of the Appeal Petition dated 28/6/2003 submitted by one Arumugha Gounder.

3. The contention of the learned Counsel for the Petitioner is that the Revenue Divisional Officer, Palani, by issuing the Enquiry Notice dated 10/8/2005 has not adhered to the principles of natural justice inasmuch as he has failed to issue the enquiry notice to the Petitioner and if the Revenue Divisional Officer, Palani is permitted to proceed with the enquiry based on the enquiry notice dated 10/8/2005, then it will cause serious prejudice and hardship to the Petitioner and therefore, prays for quashing the notice dated 10/8/2005 issued by the Revenue Divisional Officer, Palani and to consequently allow the present writ petition in furtherance of

substantial cause of justice.

4. This Court has gone through the Enquiry Notice dated 10/8/2005 issued by the Revenue Divisional Officer, Palani addressed to the Village Administrative Officer, Ambiligai. On going through the said Enquiry Notice dated 10/8/2005, it is vividly clear that the Revenue Divisional Officer, Palani has only directed the Village Administrative Officer, Ambiligai to appear in his Office on 19/8/2005 at about 3.00 p.m along with all available records in the hands of the Village Administrative Officer and that too in connection with the Appeal Petition dated 28/6/2003 submitted by one Arumugha Gounder. Therefore, at this stage, the prayer of the Petitioner that he must also be heard by means of issuance of notice by the Revenue Divisional Officer, Palani is clearly an otiose one in the eye of law because of the simple fact that the Revenue Divisional Officer, Palani has only issued the Enquiry Notice and there are many more further steps to be taken by the Revenue Divisional Officer, Palani in this regard after scrutinising or perusing the available material records produced by the Village Administrative Officer, Ambiligai.

5. At this juncture, the learned Counsel for the Petitioner submits that the Head Quarters Tahsildar, Ottanchathiram has issued a patta dated 19/5/2009 to the Petitioner in respect of Survey Nos. 411/2, 412/1A and 416/2. If the Headquarters Tahsildar has issued a patta dated 19/5/2009 to the Petitioner in respect of Survey Nos. 411/2, 412/1A and 416/2, certainly the Revenue Divisional Officer, Palani will look into the matter while perusing the other available records directed to be produced by the Village Administrative Officer, Ambiligai on 19/8/2005 for an enquiry at about 3.00 p.m., in his office and this Court opines that the Petitioner need not be worried about this fact too much.

6. Be that as it may. On a careful consideration of the submissions made by the learned Counsel appearing for the Petitioner and in view of the stand taken by the learned Government Advocate appearing for the Respondent that it is only an Enquiry Notice dated 10/8/2005 issued by the Revenue Divisional Officer, Palani and also that the Petitioner has approached this Court in a premature fashion, this Court comes to an inevitable conclusion that in the Enquiry Notice dated 10/8/2005 issued by the Revenue Divisional Officer, Palani to the Village Administrative Officer, Ambilikai, the Petitioner is not a necessary or a proper party at this stage of the subject matter in issue. If at any point of time, if the Revenue Divisional Officer, Palani or any other competent Revenue Authority comes to an independent conclusion based on available material on record at a later point of time that the Petitioner is a proper or necessary party, who has to be necessarily heard, then, in that event, it is open to the Revenue Divisional Officer or any other competent revenue authority to issue necessary notice to the Petitioner and to hear his objections and to pass appropriate orders in the manner known to law and in accordance with law. Viewed in that perspective, the writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.