

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2015

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.A.No.1706 of 2015

M/s.Macro Marvel Projects Limited
rep. by its Director M.Ravikumar ..Appellant/ Petitioner

Vs.

1.The District Registrar,
Chennai North,
No.1, Moorthykal Lane
(Near G.P.O.), Chennai - 1.

2.M.Kuppuraj
3.M.Senguttuvan

..Respondents/ Respondents

Writ Appeal filed under Clause 15 of the Letters Patent
against the order dated 13.02.2014 made in W.P.No.24224 of 2009

presented under Art 227 of the Constitution of India to issue
a writ of certiorari calling for the records of the proceedings of
the first respondent dated 15.10.2009 (received by the petitioner
on 14.11.2009) in No.8752/1/09 and quash the same.

For Appellant .. Mr.M.Rajaraman

For Respondents .. Ms.A.Srijayanthi,
Spl. Govt. Pleader for R1

JUDGMENT

(Judgment of the Court was delivered by SATISH K.AGNIHOTRI, J.)

Mrs.A.Srijayanthi, learned Special Government Pleader, accepts
notice on behalf of the first respondent. Notice to respondents 2
and 3 is dispensed with at this stage, as, no adverse order is
passed against them in this writ appeal. Thus, with the consent of
the learned counsel for the appellant and the learned Special

Government Pleader appearing for the first respondent, the writ appeal is taken up for final disposal, at the admission stage itself.

2.Learned counsel appearing for the appellant/writ petitioner submits that the proceedings under assail in the writ petition was issued belatedly and further, the authority concerned had no jurisdiction to issue the said proceedings. The same cannot be agitated before the appellate authority. Thus, the order of the learned single Judge, granting liberty to the appellant/writ petitioner to take recourse to the Appellate Forum is erroneous.

3.We have perused the pleadings and also considered the submissions advanced by the learned counsel for parties. The issue raised by the learned counsel for the appellant / writ petitioner is that since the show cause notice was issued belatedly, the competent authority is denuded of his competence. It is not a case where jurisdiction / competence of the authority in normal course is doubted. This issue may also be examined before the appellate forum, if objection is raised by the appellant / writ petitioner.

4.In that view of the matter, the learned single Judge was right in rejecting the writ petition, reserving liberty to the appellant/writ petitioner to take recourse to the Appellate Forum.

5.With the above observation, the writ appeal is dismissed. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

mmi/vvk

To

The District Registrar,
Chennai North, No.1, Moorthykal Lane
(Near G.P.O.), Chennai - 1.

1 cc to Government Pleader, Sr. 68833

+ 1 cc to Mr.M.Rajaraman, Advocate Sr 67559 (25/1/16)

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RSY (CO)
kk 8/1