

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2015

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.A. No. 289 of 2015

1. Muthulingam

2. Kubendiran

... Appellants

Vs.

1. The District Collector,
Villupuram District,
Villupuram.

2. The Revenue Divisional Officer,
Villupuram.

3. The Tahsildar,
Villupuram.

4. Nayagam

.... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 28.01.2015 passed in WP.No.1718 of 2014. Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the 2nd respondent in respect of the proceedings in Na.Ka.A3 5069-528/2013 dated 11.11.2013 and 11.12.2013 and quash the same and thereby forebear the 2nd respondent from proceeding with the enquiry as he has no jurisdiction to proceed with the same.

For Appellants : Mr. N. Suresh

For Respondents : Mr. P. S. Sivashanmugasundaram
Spl. Govt. Pleader - R1 to R3

ORDER

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

With the consent of both parties, the main writ appeal is taken up for final disposal.

2. Learned counsel appearing for the appellants submits that the second respondent is not a competent authority. Though an opportunity has been given to appear before him, raising the question of competency is not permitted. Thus, the appellants may be permitted to raise the question of competency of the second respondent as per law.

3. Learned Special Government Pleader submits that the appellants are at liberty to raise all the grounds, which are permissible under law including the competence of the officer concerned.

4. In that view of the matter, while we do not propose to interfere at this stage, reserve liberty to the appellants/writ petitioners to raise all the grounds including the ground of competence of the officer, if so advised, under the provisions of law, this writ appeal is disposed of. However, we make it clear that we are not making any observation in respect of the competence of any officer or on merit. It is for the officer to consider and decide the said issue on merits. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Villupuram District,
Villupuram.
2. The Revenue Divisional Officer, Villupuram.
3. The Tahsildar, Villupuram.

1 cc to Mr.N.Suresh ,Advocate, SR.No.13828

1 cc to Government Pleader, Sr.No1

vd(co)pmk.24.3.2015

W.A.No.289 of 2015