



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2015

C O R A M

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition (MD) No.15557 of 2015

WEB COPY

R.Arivanandam

... Petitioner

Vs.

1. The Director of Rural Development and
Panchayatraj Department,
Panagal Buildings,
Saidapet, Chennai 600 015.

2. The District Collector,
Madurai District,
Madurai 625 020.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the first respondent i.e. the Director of Rural Development and Panchayatraj Department Chennai to pass appropriate orders on the appeal preferred by the petitioner on 13.02.2015 against the orders dated 26.03.2013 of the District Collector Madurai passed in his proceedings No.74403/2011/RD2 within a specified time frame that may be fixed by this Hon'ble High Court.

For Petitioner : Mr.S.Visvalingam
For Respondents : Mr.S.Sadeeshkumar,
Special Government Pleader.

ORDER

This writ petition has been filed by one R.Arivanandam seeking for a direction to the Director of Rural Development and Panchayatraj Department, Chennai, the first respondent herein to pass orders on the appeal preferred by the petitioner dated 13.02.2015 against the original order passed by the District Collector, dated 26.03.2013.

2.Learned counsel for the petitioner would submit that although the order was passed by the District Collector on 26.03.2013, the same was served on the petitioner only on 22.12.2014 with a delay of one year and nine months. Subsequently, the petitioner has approached this Court by filing W.P(MD)No.143 of 2015 challenging the said order. However, this Court by an order dated 08.01.2015 dismissed the writ petition giving liberty to the petitioner to file an appeal before the first respondent ~~in the first respondent~~ was also directed to entertain the appeal to be filed by the petitioner.



3. It is relevant to extract paragraph 2 of the said order which reads as follows:-

"2. The learned Government Advocate appearing for the respondent submitted that the Commissioner of Rural Development and Panchayat Raj is the appellant authority. Therefore, this writ petition is dismissed as not maintainable, since the petitioner has alternative remedy of filing appeal before the said authority. The petitioner is at liberty to file appeal before the said authority within a period of three weeks from the date of receipt of a copy of this order. If such appeal is filed, the said appellate authority shall consider the same and pass orders on merits and in accordance with law. This Court is not expressing any view on the merits and contention raised in this writ petition. No costs. Consequently, connected miscellaneous petition is also dismissed".

4. In view of the above, this Court finds no impediment to direct the first respondent to consider the appeal 13.02.2015 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above observation, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Rural Development and Panchayatraj Department,
Panagal Buildings,
Saidapet, Chennai 600 015.

2. The District Collector,
Madurai District,
Madurai 625 020.

+ 1 CC TO MR.S.VISVALINGAM, ADVOCATE IN SR NO. 49743
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 50048

SMS

TE/AN-MP/ 21/09/2015 2P/5C

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