

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.18780 of 2016
and
W.M.P.Nos.16390 and 16391 of 2016

M.Muthukumaran

... Petitioner

Vs.

The Collector/Chairman,
District Rural Development Office,
Thiruvarur District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of certiorari, to call for the records connected with the proceedings issued in Na.Ka.No.4501/A9/2015 dated 11.01.2016 passed by the respondent and quash the same.

For Petitioner : Mr.S.Ilamvaludhi

For Respondent : Mr.P.Sanjay Gandhi,
Additional Government Pleader

O R D E R

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner claims to be a registered Contractor of Thiruthuraipoondi Panchayat Union and on an earlier occasion, approached this Court by filing W.P.No.29621 of 2015, for dispose of his representation with regard to the discrepancy in the evaluation and this Court vide order dated 21.09.2015, has disposed of the writ petition with a direction, directing the first respondent to consider and dispose of the petitioner's representation dated 11.09.2015 within a stipulated time frame. The first respondent, in compliance of the order, has passed the impugned order dated 11.01.2016.

3. The learned counsel appearing for the petitioner would submit that the reasons assigned by the first respondent in the impugned order are per se, unsustainable and prays for interference.

4. Per contra, Mr.P.Sanjay Gandhi, learned Additional Government Pleader, who accepts notice on behalf of the respondent would submit that the petitioner, apart from submitting a representation, did not furnish any material to show as to the discrepancy in the evaluation and the first respondent, on consideration and appreciation of entire records, has rightly rejected the petitioner's claim and prays for dismissal of this petition.

5. This Court has considered the rival submissions.

6. The impugned order deals with some factual aspects and in the considered opinion of this Court that this Court in exercise of power under Article 226 of the Constitution of India cannot venture into the factual dispute and give an adjudication. If the petitioner is so advised, it is open to him under law to approach the Commissioner of Revenue Administration challenging the legality of the impugned order dated 11.01.2016 passed by the first respondent.

7. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

vsm

To

The Collector/Chairman,
District Rural Development Office,
Thiruvarur District.

1 cc to Government Pleader, Sr. 29793
1 cc to Mr.S. Ilamvaludhi, Advocate, Sr. 29549

Writ Petition No.18780 of 2016

MSM (CO)
kk 16/6