

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.02.2016

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Mr. JUSTICE M.VENUGOPAL

W.A.No.223 of 2016
and
C.M.P.Nos.3521 and 3522 of 2016

K.S.Chinnasamy .. Appellant
Vs.

1.The District Collector,
Erode District, Erode.

2.The Block Development
Officer, Chennimalai,
Erode District.

3.T.Krishnamoorthy ... Respondents

Appeal filed under Clause 15 of the Letter of Patents Act against the order dated 15.10.2015 in W.P.No.33304 of 2015.

This Writ Petition filed Under Article 226 of the Constitution of India, Praying for the issuance of a Writ of Mandamus directing the 1st respondent to consider and pass orders on the petitioners representation dated 21.9.2015.

For Petitioner .. Ms.A.Vinupradha
for Mr.S.Ramesh Kumar

For Respondents .. Ms.A.Srijayanthi,
Spl. Govt. Pleader for R1 & R2

JUDGMENT

(delivered by SATISH K.AGNIHOTRI, J.)

Notice to the third respondent is dispensed with, at this stage, as no adverse order is passed against him in this writ appeal. Thus, with the consent of the learned counsel appearing for the appellant and the learned Special Government Pleader appearing for respondents 1 and 2, the writ appeal is taken up for final disposal at the admission stage.

2.Assailing the legality of the order dated 15 October 2015

passed in W.P.No.33304 of 2015, the instant writ appeal is filed.

3.The writ petition being W.P.No.33304 of 2015 was filed by one Mr.T.Krishnamoorthi/third respondent herein, seeking a direction to consider the representation dated 21 September 2015. The grievance of the petitioner is that without impleading him as party respondent, the writ petition was disposed of by directing the first respondent to pass orders on the representation.

4.We have examined the facts and also perused the order sought to be impugned in this appeal.

5.On consideration, the learned single Judge directed the Inspector of Panchayat i.e. District Collector, Erode to consider the representation on merits and in accordance with law, after affording an opportunity to the writ petitioner as well as the President of Vadamuga Vellode Village Panchayat, Erode District. There is no dispute that the appellant herein is the President of Vadamuga Vellode Village Panchayat, Erode District. Thus, no prejudice is caused to the appellant. However, we will still make it clear that no adverse order or adverse action be passed/taken against the appellant, who happened to be the President of Vadamuga Vellode Village Panchayat, Erode District, without giving proper opportunity of hearing to him, on the representation made by the writ petitioner.

6.With the above observation and direction, the writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Erode District, Erode.

2.The Block Development
Officer, Chennaimalai, Erode District.

+ 1 cc to Mr.S.Ramesh Kumar, Advocate Sr 12263 (13/4/16)

W.A.No.223 of 2016

rsi (CO)
srg (29/03/2016)