

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2016

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

CRP (NPD) No.1774 of 2003

and

C.M.P.Nos.18587/2003 & 18265 of 2016

1. The Tahsildar,
Taluk Office,
Nannilam.
2. The Taluk Sub-Inspector of Survey,
Taluk Office,
Nannilam Taluk,
Nannilam,
Tiruvarur District. .. Petitioners

Vs.

1. G.Ramadoss
 2. The President,
District Consumer Disputes Redressal Forum,
Tiruvarur.
 3. Arulmigu Parvatheeswarar Swami Thirukoil,
Injikudi,
Rep. by its Executive Officer,
Injikudi Village - 609 405. .. Respondents
- (3rd respondent impleaded as party respondent vide
Order of Court dated 02.09.2016, in CMP.No.13500/16
in CRP(PD)No.1774 of 2003)

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the judgment and decree dated 22.05.2003 in C.O.P.No.7 of 2003, on the file of the District Consumer Disputes Redressal Forum, Tiruvarur.

For Petitioners : Mr.T.Jayaramraj
Government Advocate (C.S.)
For Respondent R1/R2 : M/s.Srinath Sridevan
For Respondent R3 : M/S. S. Natarajan

O R D E R

The respondents 1 and 2 in COP.No.7 of 2003 dated 22.05.2003 on the file of the District Consumer Disputes Redressal Forum, Tiruvarur are the civil revision petitioners before this Court.

2.Though the first respondent has filed the above COP.No.7 of 2003 before the learned District Consumer Disputes Redressal Forum, Tiruvarur for seeking compensation of Rs.15,000/- towards mental agony and sufferings and for Rs.3,000/- towards of costs and measure the property.

3.Considering the respondents case, the learned District Consumer Disputes Redressal Forum, Tiruvarur is awarded Rs.5,000/- towards mental agony and sufferings and for Rs.1,500/- towards cost. Challenging the same, this civil revision petition has been filed by the opposed parties in the above COP.No.7 of 2003 before this Court by invoking the jurisdiction under Article 227 of the Constitution of India.

4.Though the order was passed by the learned District Consumer Disputes Redressal Forum, Tiruvarur, on 22.05.2003, as per the Section 15 of the Consumer Protection Act there was an appeal remedy is available to the petitioners to challenging the order of the District Consumer Disputes Redressal Forum, Tiruvarur. Section 15 of the Consumer Protection Act as follows:

"15. Appeal.- Any person aggrieved by an order made by the District Forum may prefer an appeal against such order to the State Commission within a period of thirty days from the date of the order, in such form and manner as may be prescribed:

Provided that the State Commission may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period."

5.As per the above provision, this civil revision petitioners having remedy before the appellate forum namely the State Commission as per Section 15 of the Consumer Protection Act and the said appeal should be filed before the forum. But without resorting the appeal remedy, this civil revision petition has been filed before this Court in the year 2003, the same is pending for the past 13 years.

6.When the appeal remedy is available under Section 15 of the Consumer Protection Act, these petitioners, who are the

Government authorities having every right to file an appeal before the State Forum. Accordingly, this civil revision petition is dismissed with liberty to the revision petitioners to file an appeal against the order passed by the District Consumer Disputes Redressal Forum, Tiruvarur, dated 22.05.2003, within a period of 15 days from the date of receipt of a copy of this order. The Hon'ble State Commission, Chennai is hereby directed to number the appeal without seeking any condone delay petition from the petitioners since the civil revision petition has been filed before this Court in the year of 2007 and the same is pending for the past 13 years, and after numbering the above appeal, the Hon'ble State Commission, Chennai is hereby directed to dispose the appeal within a period of three months from the date of receipt of a copy of this order, by giving notice to both parties.

7.While disposing the civil revision petition, the third respondent, who already filed an application before this court in CMP.No.13500 of 2016 in CRP(NPD).No.1774 of 2003, sought for the relief to implead the third respondent/ proposed respondent and accordingly, this Court by an order dated 02.09.2016, ordered to implead the petitioner/Temple as third respondent in this civil revision petition and the third respondent is added as party respondent though they were not party in the above C.O.P.No.7 of 2003. Accordingly, the third respondent in the civil revision petition is permitted to file an application before the said forum in the appeal, if any filed by the civil revision petitioners and the liberty is given to the third respondent to file implead petition for impleading themselves before the Hon'ble State Consumer Forum and the Hon'ble Forum is hereby directed to permit the third respondent to implead themselves as third respondent/Temple in the appeal and dispose the said appeal within a period of three months thereafter.

8.In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vs/ub

To

1. The President
The District Consumer Disputes Redressal Forum,
Tiruvarur.
2. The Tahsildar,
Taluk Office,
Nannilam.
3. The Taluk Sub-Inspector of Survey,
Taluk Office,
Nannilam Taluk,
Nannilam,
Tiruvarur District.
4. The Executive Officer,
Arulmigu Parvatheeswarar Swami Thirukoil,
Injikudi , Injikudi Village - 609 405.

+1cc to Mr.Srinath Sridevan, Advocate, S.R.No. 76030

+1cc to Mr.Natanarajan, Advocate, S.R.No. 74869

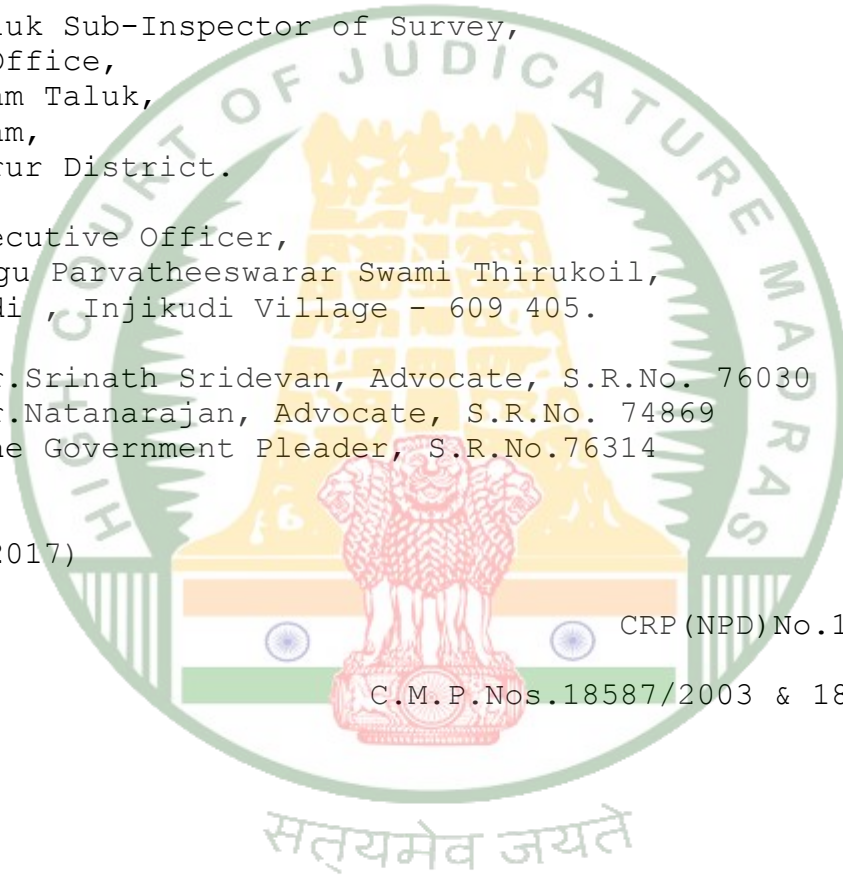
+1cc to the Government Pleader, S.R.No.76314

RP(CO)

RS(19/01/2017)

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and

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