

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2016

CORAM

The Hon'ble Mr. Justice SATISH K.AGNIHOTRI
and
The Hon'ble Mr. Justice M. VENUGOPAL

W.A.No.31 of 2016

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A.V. Govindaraj Appellant/4th Respondent

Vs.

1. R. Arjuna 1st Respondent/Petitioner

2. The State of Tamilnadu
rep. By the Secretary to Government,
Rural Development & Local Administration,
Fort St. George,
Chennai.9.

3. The Director of Rural Development
& Panchayats,
Panagal Building,
Saidapet,
Chennai.15.

4. The Inspector of Panchayat/
The District Collector,
Coimbatore District,
Coimbatore. Respondents/Respondents
1 to 3

Writ Appeal filed against order dated 03.11.2015 made
in W.P. No. 35434 of 2015.

WP.No.35434 of 2015:Petition filed Under Article 226 of the
Constitution of India to issue a Writ of Mandamus Directing the
1st respondent to consider the petitioners representations dated
08.01.2015 18.02.2015 12.05.2015 02.07.2015 21.07.2015
25.09.2015 and take action against the 4th respondent within a
time frame.

For Appellants : Ms. R. Suchitra

For Respondents : Mr. A. Edwin Prabakar - R1

Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader - R2 to R4

JUDGMENT

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

The instant intra-court appeal arises from the order dated 03.11.2015 passed in W.P.No. 35434 of 2015.

2. With the consent of the learned counsel for the parties, this writ appeal is taken up for final disposal.

3. To avoid prolixity, the parties are referred to as per their rank in the instant appeal.

4. The first respondent filed the instant writ petition seeking a direction to the second respondent, viz., the Secretary to Government, Rural Development and Local Administration Department, to consider his representation allegedly made against the appellant and take necessary action.

5. The learned single Judge, examining the facts of the case, disposed of the writ petition with a direction to the fourth respondent, viz., the Inspector of Panchayat/District Collector, Coimbatore, to consider the first respondent's representation and proceed in accordance with law within a period of eight weeks. Feeling aggrieved, the fourth respondent in the writ petition has preferred the instant appeal.

6. The sole grievance of the appellant is that the direction issued by the learned Single Judge to consider the first respondent's representation, without affording an opportunity of hearing to the appellant, would prejudice the case of the appellant.

7. In view of the above, without going into the merits of the allegations and also the power of the fourth respondent, we are of the considered opinion that the order of the learned Single Judge needs clarification.

8. Accordingly, we clarify the order of the learned Single Judge to the effect that the fourth respondent, viz., the Inspector of Panchayat/ the District Collector, Coimbatore District, while considering the representation made by the first respondent, shall afford an opportunity of hearing to the first

respondent as well as the appellant and after considering the case of both the parties, take a reasoned decision on merits and in accordance with law, within a period of eight weeks from today.

9. This writ appeal is disposed of accordingly. No costs. Connected CMP No. 436 of 2016 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The State of Tamilnadu
rep. By the Secretary to Government,
Rural Development & Local Administration,
Fort St. George,
Chennai.9.
2. The Director of Rural Development
& Panchayats,
Panagal Building,
Saidapet,
Chennai.15.
3. The Inspector of Panchayat/
The District Collector,
Coimbatore District,
Coimbatore.

+1 cc to Mr.A.Edwin Prabakar Advocate sr.7585

+1 cc to M.Srividya Advocate sr.7139

W.A.No.31 of 2016

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