

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 31.08.2016****CORAM****THE HONOURABLE MR.JUSTICE M.VENUGOPAL****W.P (MD) No.16298 of 2016**

Rajesh @ Ramanasankar

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District.2.The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.3.The Tahsilar,
Kovilpatti, Thoothukudi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus directing the 2nd Respondent to pass orders on the Petitioner's appeal, dated 26.05.2011 in the light of the report submitted by the 3rd Respondent in Na.Ka.No.A2/19751/2011, dated .09.2012, within a stipulated time.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.S.Kumar,
Additional Government Pleader**O R D E R**

Heard both sides. By consent, the main Writ Petition itself is taken up for final disposal. No counter-affidavit is filed on behalf of the Respondents.

2. The Petitioner has filed the present Writ Petition before this Court praying for passing of an order by this Court in directing the Second Respondent to pass orders on his Appeal, dated 26.05.2011 in the light of the report submitted by the Third Respondent in Na.Ka.No.A2/19751/2011, undated 09/2012, within a time frame to be stipulated by this Court.

3. It comes to be known that the Third Respondent had conducted a detailed enquiry and by means of his proceedings during September, 2012, had submitted a report the Second



Respondent. The grievance of the Petitioner is that the Second Respondent till date has not passed any orders on his appeal, which was filed in the year 2011.

4. Considering the fact that nearly five years have rolled by and the Appeal is pending for disposal, at this stage, this Court without expressing any opinion one way or other or not traversing upon the merits and contents of the Appeal preferred by the Petitioner, in the interest of justice and fair play, directs the Second Respondent to pass necessary orders on the Petitioner's pending Appeal, dated 26.05.2011, within a period of five weeks from the date of receipt of a copy of this order (Of course after adhering to the Principles of Natural Justice by issuing notice to the Petitioner and others concerned if any, if situation so warrants). Said order in the Appeal is to be passed by the Second Respondent with a opened mind and in a dispassionate manner and especially uninfluenced and untrammelled with any of the observations made by this Court in the Present Writ Petition. Needless for this Court to make a significant mention that the Petitioner is to render his assistance and unstinted co-operation to the Second Respondent in the subject matter in issue.

With the above said Direction(s)/Observation(s), this Writ Petition stands disposed of. No Costs.

Sd/

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,Thoothukudi District.

2.The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.

3.The Tahsilar,
Kovilpatti, Thoothukudi District.

+1 cc to MR.R.MAHESWARAN, Advocate Sr.No.49059

+1 cc to Special Government Pleader SR.No.49134

W.P (MD) No.16298 of 2016
31.08.2016

SMA/SKS-RR/08/09/2016 :2P/6C