

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.30151 of 2017

K.Viswanathan

...Petitioner

Vs.

1.The Secretary to Government
of Tamil Nadu
Revenue Department
Fort St.George
Chennai-600 009

2.The Principal Secretary
Commissioner of Revenue Administration
Ezhilagam
Chennai-600 005

3.The Commissioner
Tribunal for Disciplinary Proceedings
Thanjavur-7

...Respondents

Prayer :- Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent to consider and pass orders in the Memorandum of Appeal dated 15.12.2009 preferred by the petitioner against the order of the 2nd respondent dated 18.11.2009 made in Procs:SERV(2) 88396/2001 within a stipulated time.

For Petitioner : Mr.S.Senthilnathan

For Respondents : Mr.P.Sanjay Gandhi, AGP

ORDER

It is indeed very sorry state of affairs that the 1st respondent slept over the Appeal dated 15.12.2009 preferred by the petitioner like Rip van Winkle. The said appeal is preferred against the order of the 2nd respondent dated 18.11.2009, which has not been disposed of by the 1st respondent, even after completion of eight long years.

2. When the petitioner came to this court with the present Writ Petition, seeking mandamus to the 1st respondent to dispose of the pending appeal seized by him for eight long years, this court without believing the status as narrated by the Petitioner, by order dated 23.11.2017, has directed the learned Additional Government Pleader appearing for the respondents, to get instructions as to whether the said fact is true or not.

3. Today, the learned Additional Government Pleader, after getting instructions, submitted that the appeal dated 15.12.2009 is pending. He has also filed counter affidavit on behalf of the first respondent, giving some reasons for the pendency of the Appeal preferred by the petitioner on the file of the 1st respondent. But none of the reasons are found acceptable for keeping the appeal pending for

a period of 8 long years. Therefore the 1st respondent is hereby directed to dispose of the appeal dated 15.12.2009 preferred by the petitioner, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is disposed of with the above observation.

No costs.

04.12.2017

Index:Yes/No
nvsri

Note:Issue order copy on 06.12.2017.

To

- 1.The Secretary to Government
of Tamil Nadu
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Chennai-600 009
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Chennai-600 005
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Issue on 06.12.2017.

T.RAJA, J.

nvsri



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