

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.06.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.990 of 2016 &
W.M.P. No.745 of 2016

A.Ismail

...Petitioner

v.

1.Additional Chief Secretary/
Commissioner Land Administration/
Disaster Management and Mitigent Department
Chepauk
Chennai - 600 005.

2.The District Collector
Office at Thiruvannamalai
Thiruvannamalai District

3.Additional District Executive Magistrate/
District Revenue Officer
Thiruvannamalai District

4.The Thasildar
Vandavasi Taluk
Thiruvannamalai District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records of the 3rd respondent herein vide proceeding No.Ne.Mu.(C3)10374/2013, dated 16.11.2015 and quash the same as the same is against the basic principles and natural justice and consequently directing the respondents herein to allow the petitioner herein to continue the privilege of licence being renewed periodically under the law in force.

For Petitioner : Mr.G.Thangavel

For Respondents : Mr.A.N.Thambidurai
Spl. Govt. Pleader

ORDER

The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent dated 16.11.2015, to quash the same and consequently direct the respondents to allow him to continue the privilege of licence being renewed periodically under the law in force.

2. On the earlier occasion, when the 3rd respondent passed an order on 25.04.2013, the petitioner preferred an appeal before the Commissioner of Revenue Administration, Chennai, who remanded the matter to the 3rd respondent for fresh consideration.

3. Now the 3rd respondent has passed the order rejecting the request of the petitioner by order dated 16.11.2015.

4. Without exhausting the appeal remedy, the petitioner has filed the writ petition before this court. Hence, I am of the view that the petitioner should exhaust the appeal remedy before the 1st respondent.

5. Accordingly, the writ petition is closed giving liberty to the petitioner to file an appeal before the 1st respondent, within a period of one week from the date of receipt of a copy of this order. On filing the appeal, the 1st respondent shall decide the appeal preferred by the petitioner, in accordance with law within three months from the date of presentation of the appeal. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rj

To

1. Additional Chief Secretary/
Commissioner Land Administration/
Disaster Management and Mitigation Department
Chepauk
Chennai - 600 005.

2. The District Collector
Office at Thiruvannamalai
Thiruvannamalai District

3. Additional District Executive Magistrate/
District Revenue Officer
Thiruvannamalai District

4. The Thasildar
Vandavasi Taluk
Thiruvannamalai District

5. The Section Officer,
Writ Section High Court Madras

+1 cc to Mr. G. Thangavel Advocate sr 44931

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