



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A(MD) No.1260 of 2017
and
C.M.P(MD)No.8859 of 2017

A.Chellappa

... Appellant/petitioner

-vs-

1. The State rep through by its
Chief Secretary,
Fort St.George,
Chennai-600 009.

2. The State rep through by its
Revenue Secretary,
Fort St.George,
Chennai-600 009.

3. The District Collector,
Collectorate Office,
Madurai.

... Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patents Act, to set aside the order passed in W.P.(MD) No.5212/2017 on the file of this Court dated 24.03.2017 and allow this writ appeal.

Prayer in WP(MD) . 5212/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus to direct the 1 to 3 respondents to consider and conduct the appropriate enquiry based on the petitioner's representation dated 23.12.2016 and within a time frame fixed by this Hon'ble Court.

For Appellant	:	Mr.M.Venkatesan
For Respondents	:	Mr.M.Murugan Government Advocate

JUDGMENT

[Judgment of the Court was delivered by M.M.SUNDRESH, J.]

<https://hcservices.ecourts.gov.in/hcservices/>

This appeal is directed against the order of the learned Single Judge, who not inclined to exercise the jurisdiction after noting



the fact that the person against whom the allegation is made, has not been arrayed as a party respondent.

2. After going through the order passed by the learned Single Judge, we are of the view that without impleading the person against whom the allegation is made, the writ petition ought not to have been filed. Though the learned counsel for the appellant would submit that what is sought for is mere direction, the said direction is also being a judicial order, can only be granted when the person, who is likely to be affected is arrayed as a party respondent. After all a direction has been sought for based upon certain allegation.

3. In such view of the matter, the writ appeal stands dismissed. However, the other findings of the learned Single Judge are hereby set aside. Therefore, it is open to the appellant to file a fresh writ petition arraying the person against whom the allegation is made as a party respondent. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Secretary,
Fort St. George,
Chennai-600 009.
2. The Revenue Secretary,
Fort St. George,
Chennai-600 009.
3. The District Collector,
Collectorate Office,
Madurai.

+ 1 CC TO Mr.M.VENKATESAN, ADVOCATE IN SR No. 80736

CP/AM

TE/JC/SAR-II : 04/10/2017 : 2P/5C

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