



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2017

CORAM:

WEB COPY

THE HONOURABLE **MR. JUSTICE K. KALYANASUNDARAM**

W.P. (MD) No. 17926 of 2017

and

W.M.P. (MD) Nos. 14440 & 14441 of 2017

R. Muthuraman

... Petitioner

Vs.

1. The Settlement Officer/
The Commissionerate of Survey & Settlement.
Survey House 3rd Floor,
Chepauk, Chennai-5.

2. The Assistant Land Tax Officer, (North),
Chennai-5.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari Mandamus, to call for the records relating to the proceedings in Na.Ka.Vu.(1)2141/2016 dated 21.10.2016 on the file of the 1st respondent herein and consequently directing the 1st respondent to pass orders on the appeal filed by the petitioner within a stipulated time as fixed by this Court on merits.

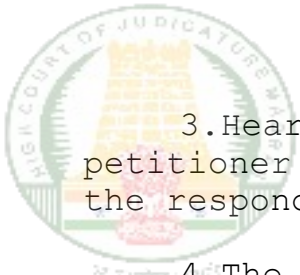
For Petitioner : Mr. V. Illachezian

For Respondents : Mr. G. Muthu Kannan
Government Advocate

ORDER

Challenging the order of the first respondent, dated 21.10.2016, passed in Na.Ka.Vu(1)2141/2016 dated 21.10.2016, the present writ petition has been filed. By the impugned order, the first respondent dismissed the appeal filed by the petitioner on the ground of limitation.

2. Mr. V. Ilanchezian, learned counsel appearing for the petitioner would submit that the petitioner has preferred an appeal against the order of the second respondent, immediately after coming to know of the said order passed by the second respondent, which cannot be said to be barred by limitation. Therefore, the appeal filed by the petitioner should be entertained and the impugned order is liable to be set aside.



3. Heard Mr.V.Illanchezian, learned counsel appearing for the petitioner and Mr.G.Muthukannan, learned Government Advocate, for the respondent and perused the records.

4. The first respondent rejected the appeal of the petitioner only on the ground that it was filed after the period of limitation. The petitioner has specifically stated that he was not served with a copy of the order passed by the second respondent and the appeal was filed within the period of limitation i.e., from the date of his knowledge.

5. In view of the above facts, the reason assigned by the first respondent cannot be countenanced. Hence, the writ petition is allowed and the impugned order is set aside and the matter is remitted to the first respondent for fresh consideration. The first respondent is directed to pass an order on the appeal filed by the petitioner on merits and in accordance with law, after providing an opportunity to all the necessary parties. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Settlement Officer/
The Commissionerate of Survey & Settlement.
Survey House 3rd Floor, Chepauk,
Chennai-5.

2. The Assistant Land Tax Officer, (North),
Chennai-5.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 81082

+1cc to Mr.V.ILLANCHEZIAN Advocate in SR. No. 80114

SKN

JS/MR.KKR/SAR.1/10.10.2017/ 2P-5C

W.P. (MD) No.17926 of 2017

and

W.M.P. (MD) Nos.14440 & 14441 of 2017

21.09.2017