

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.1185 of 2018 and

CMP No.9474 of 2018

Dr.P.Balakrishnan

...Appellant

Vs

1.The State of Tamilnadu
Rep. by its Principal Secretary
Department of Health and Family Welfare
Secretariat, Chennai.

2.Tamil Nadu Medical Council
Rep. by its Registrar
New No.914, Old No.569
Poonamallee High Road
Arumbakkam, Chennai - 600 106.

3.The Administrator/Election Officer
Tamil Nadu Medical Council
New No.914, Old No.569
Poonamallee High Road
Arumbakkam, Chennai - 600 106.

4.Dr.Senthil
5.Dr.Jeyasingh
6.Dr.Thiyagarajan
7.Dr.Dhalapathy
8.Dr.Sadagopan
9.Dr.Ponnuraj
10.Dr.R.V.S.Surendran

...Respondents

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent Act
against the order passed by this Court in W.P.No.8562 of 2018
dated 24.04.2018.

Prayer in WP No.8562/2018

Writ Petition filed under Article 226 of the Constitution of
India, to issue a writ of Mandamus, directing the 1st respondent
to dispose of the petitioner,s representation dated 12.0.2018
with in a stipulated time.

For Appellant : Mr.C.Kanagaraj

For Respondents: Mr.M.Karthikeyan
Addl.Govt.Pleader for R1
Mr.G.Sankaran for R2 and R3
Mr.P.Wilson, Senior Counsel
for Mr.Richardson Wilson
for R4 to R10

J U D G M E N T

(Judgment of the Court was delivered by
K.K.SASIDHARAN, J.)

The appellant filed a writ petition before the Writ Court to direct the first respondent to dispose of the appeal dated 12 March 2018. The learned single Judge allowed the writ petition and a Mandamus was issued to the first respondent to dispose of the appeal within a period of three months. Feeling aggrieved by the outer time limit fixed by the Writ Court, the appellant has come up with this intra court appeal.

2. We have heard the learned counsel for the appellant, the learned Additional Government Pleader on behalf of the first respondent, Mr.G.Sankaran, learned counsel for the respondents 2 and 3 and Mr.P.Wilson, learned Senior Counsel for the respondents 4 to 10.

3. The appellant filed the writ petition for fixing outer time limit for disposal of the appeal. The learned single Judge taking into account the pendency of the appeal filed on 12 March 2018 directed the first respondent to dispose of the appeal within three months. In case, the appellant was aggrieved by the time limit fixed by the Writ Court for disposal of the appeal, he should have filed an application for modification of the order. There is no question of filing an appeal for the purpose of fixing a different period for disposal of the appeal. We are therefore of the view that there is absolutely no merit in the appeal filed by the appellant.

4. We have posed a query to the learned Additional Government Pleader appearing on behalf of the first respondent with regard to the outer time limit for disposal of the appeal by the first respondent.

5. The learned Additional Government Pleader on instructions submitted that the first respondent would dispose of the appeal within the time granted by the learned single Judge. We make it clear that the appeal should be disposed of on merits and as per law within the outer time limit fixed in the order dated 24

April 2018 in W.P.No.8562 of 2018. We make it clear that no application for extension of time would be entertained at any cost in the subject matter in view of the grievance expressed by the appellant.

6. The intra court appeal is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

svki

To

- 1.The Principal Secretary
The State of Tamilnadu
Department of Health and Family Welfare
Secretariat, Chennai.
- 2.The Registrar
Tamil Nadu Medical Council
New No.914, Old No.569
Poonamallee High Road
Arumbakkam, Chennai - 600 106.
- 3.The Administrator/Election Officer
Tamil Nadu Medical Council
New No.914, Old No.569
Poonamallee High Road
Arumbakkam, Chennai - 600 106.

+1cc to Mr.C.Kanagaraj Associates, Advocate, S.R.No.35041
+1cc to Mr.G.Sankaran, Advocate, S.R.No.35141
+1cc to Mr.Richardson Wilson, Advocate, S.R.No.35246

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