

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 16.11.2018

CORAM :

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No. 17542 of 2013

G.K.Mahendroo

... Petitioner

vs.

1.Chief Medical Director,
Railway Hospital,
Perambur, Chennai - 600 023.

2. The State Consumer Dispute
Redressal Commission,
rep. by its Registrar,
No.212, R.K.Mutt Salai,
Mylapore, Chennai - 600 028.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus calling for the records of the impugned order passed by the 2nd respondent on 29.04.2013 made in M.P.No.151/2012 in C.C.Sr.No.526/2012 and quash the same and consequently direct the 2nd respondent to number the complaint filed by the petitioner herein in C.C.Sr.No.526/2012 and taken on file.

For Petitioner : M/s.Vijayalaksmi Rajarathinam

For R1 : Mr.P.T.Ramkumar

O R D E R

The impugned writ petition is directed against an order dated 29.04.2013 passed by the State Consumer Dispute Redressal Commission, Chennai in M.P.No.151/2012 in C.C.Sr.No.526/2012. The complaint filed by the petitioner has been dismissed by the State Commission on the ground of delay. An appeal lies against the order of the State Consumer Forum to the National Consumer Forum under the Consumer Protection Act, 1986. Section 19 of the Consumer Protection Act, 1986 reads as under:-

"19.Appeals.-Any person aggrieved by an order made

by the State Commission in exercise of its powers conferred by sub-clause (i) of clause (a) of section 17 may prefer an appeal against such order to the National Commission within a period of thirty days from the date of the order in such form and manner as may be prescribed:

Provided that the National Commission may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

Provided further that no appeal by a person, who is required to pay any amount in terms of an order of the State Commission, shall be entertained by the National Commission unless the appellant has deposited in the prescribed manner fifty per cent of the amount or rupees thirty-five thousand, whichever is less:"

2. In view of the alternate remedy available to the petitioner under the Consumer Protection Act, the writ petition is not maintainable. The petitioner if so advised can file an appeal before National Consumer Dispute Redressal Commission. Needless to say that the National Consumer Dispute Redressal Commission will consider as to whether the petitioner is entitled to get the benefit under Section 14 of the Limitation Act.

3. Accordingly the writ petition stands dismissed. No Costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

pkn/gsp

To

1.Chief Medical Director,
Railway Hospital,
Perambur, Chennai - 600 023.

2. The Registrar,
The State Consumer Dispute
Redressal Commission,
No.212, R.K.Mutt Salai,
Mylapore, Chennai - 600 028.

+lcc to Mr.G.Krishna kumar, Advocate, S.R.No.78695

+lcc to Mr.P.T.Ram Kumar, Advocate, S.R.No.78538

W.P.No. 17542 of 2013

VGI(CO)

GSP(13/12/2018)