

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.4352 of 2011

MP.No.2 of 2011

C.Sampath @ Mani

Petitioner

Vs

1.The Tahsildar, Katpadi Taluk, Vellore

2.Jalendran

Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 1st Respondent in Na.Ka.No.D2.6897/2006, dated 23.08.2010 and to quash the same and to consider the previous order, dated 13.9.2005, passed by the 1st Respondent.

For Petitioner : Mr.A.Palaniappan

For Respondents : Mr.A.Zahir Hussain, GA-R1

ORDER

The prayer in this Writ Petition is to quash the order passed by the 1st Respondent in Na.Ka.No.D2.6897/2006, dated 23.08.2010 and to consider the previous order, dated 13.9.2005, passed by the 1st Respondent.

2. In spite of service of notice, there is no representation for the 2nd Respondent. This court heard the learned counsel for the Petitioner and the 1st Respondent and also perused the materials placed on record.

3. According to the learned counsel for the Petitioner, the impugned order passed by the 1st Respondent is illegal, since sufficient opportunity was not afforded to the Petitioner to put forth his case, before passing the impugned order.

4. The learned counsel for the 1st Respondent would submit that there is an alternative and efficacious remedy of filing an appeal as against the impugned order available to the Petitioner

and hence, the Petitioner should have approached the Appellate Authority to seek his remedy and without exhausting such an alternative remedy, this Writ Petition has been filed and hence, this Writ Petition is liable to be dismissed.

5. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is of the considered view that if the Petitioner is aggrieved by the impugned order, it is open to him to approach the Appellate Authority concerned. Therefore, as there is an efficacious and alternative remedy of filing an appeal available to the Petitioner, the prayer sought for in Writ Petition under the Article 226 of the Constitution of India cannot be entertained. It is made clear that the Petitioner shall approach the Appellate Authority concerned within a period of 30 days from the date of receipt of a copy of this order. Till such time, status-quo as on date shall be maintained by both the parties.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected MP is closed.

Sd/-
Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

Srcm

To

The Tahsildar, Katpadi Taluk, Vellore

+1cc to Mr.A.Palaniappan, Advocate SR.No.88661

+1cc to Government Pleader, High Court, Madras SR.No.89488

WEB COPY

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MR (CO)
GMY (23/01/2019)