

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.16460 of 2018

and

W.M.P.No.17813 of 2018

N.S.Chandrasekaran
Prop.Seethalakshmi Modern Rice Mill,
2/39A, Appan Koil Street,
Nachiarkoil,
kumbakonam Taluk,
Thanjavur District.Petitioner

Vs.

1. The Tamil Nadu Civil Supplies
Corporation Ltd.,
Rep. By its Managing Director,
Thambusamy Street, Kilpauk,
Chennai - 600 010.
2. The Senior Regional Manager,
Tamil Nadu Civil Supplies
Corporation Ltd.,
Thanjavur.Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to quash the order dated 18.01.2017 in Na.Ka.No.G2/14568/94 of the 2nd respondent, directing the 1st respondent to dispose of the petitioner's Appeal dated 25.10.2010 within a reasonable time to be fixed by this Court. With 1st respondent affording an opportunity to the petitioner to explain his case on merits.

For Petitioner : Mr.M.Kalyanasundaram,
Senior Counsel
for Mr.V.Srinivasan

For Respondents : Mr.C.Munusamy

O R D E R

This writ petition is filed challenging the order of the 2nd respondent dated 18.01.2017, wherein and whereby, the petitioner was called upon to pay a sum of Rs.49,536/- being the arrears. Consequently, the petitioner is seeking for a direction to the first respondent to dispose of the petitioner's appeal dated 25.10.2010.

2. The grievance of the petitioner is that when the petitioner's appeal filed against the order of the 2nd respondent dated 09.07.2010 is pending before the 1st respondent, the present impugned order of demand cannot be issued.

3. Learned counsel appearing for the respondents submitted that the appeal before the first respondent is still pending.

4. Therefore, without expressing any view on the merits of the matter, the 1st respondent is directed to consider the appeal and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order. Till an order is passed by the 1st respondent in the appeal, the impugned demand shall be kept in abeyance. It is made clear that this Court is not expressing any view on the merits of the claim made by the petitioner, as it is for the 1st respondent to consider and decide the same in the said appeal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

vsi

To

The Managing Director,
Tamil Nadu Civil Supplies Corporation Ltd.,
Thambusamy Street, Kilpauk,
Chennai - 600 010.

+ 1 cc to Mr.V. Srinivasan, advocate Sr.21679

+ 1 cc to MR. C. Munusamy, Advocate Sr.22011

W.P.No.16460 of 2017

(CS-VII)
EU(26/03/2018)