

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.5254 of 2011 and
M.P.Nos.1 and 2 of 2011

Nallusamy

... Petitioner

Vs

1.The District Supply Officer,
Perambalur,
Perambalur District.

2.The District Revenue Officer,
Perambalur,
Perambalur District.

R2 impleaded suo motu by this Court vide order
dated 09.02.2018 in W.P.No.5254 of 2011

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to quash the order of respondent in Na.Ka.No.S2/17298/2010/3 dated 30.12.2010.

For Petitioner : Mr.P.Solomon Francis

For Respondents : Mr.T.M.Pappiah,
Special Government Pleader

O R D E R

Heard Mr.P.Solomon Francis, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents.

2. The petitioner has approached this Court, seeking the following relief,

"To issue a Writ of Certiorari, to quash the order of the respondent in Na.Ka.No.S2/17298/2010/3 dated 30.12.2010."

3. The case of the petitioner is as follows:-

In the present writ petition, as against the impugned action by the first respondent, an appeal would lie to the District

Revenue Officer under the provisions of the Tamil Nadu Kerosene Control Regulation of Trade Order 1973. According to the petitioner, an appeal has been filed and the same has not been disposed of. However, the District Revenue Officer is not a party in the present writ petition, since the District Revenue Officer is a necessary and proper party in the writ petition, the District Revenue Officer, perambalur District is impleaded as second respondent suo motu by this Court.

4. When the writ petition was taken up for hearing, the learned counsel for the petitioner would submit that the appeal against the impugned action of the first respondent is pending before the presently impleaded second respondent and the same has not been disposed of.

5. From the facts and circumstances of the case, this Court is of the considered view that once an effective appellate remedy is provided for under the Tamil Nadu kerosene Control Regulation, the same has to be availed before invoking the special jurisdiction of this Court under Article 226 of the Constitution of India. The Appellate authority is the competent authority constituted under the Tamil Nadu Kerosene Control Regulation and he is better placed to appreciate both the factual and legal aspects in regard to the case of the petitioner.

6. Therefore, the impleaded second respondent is directed to dispose of the appeals said to have been filed, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. In case, the second respondent is not having relevant appeal papers, it is open to the petitioner to submit a fresh appeal before the impleaded second respondent, within one week from the date of receipt of a copy of this order and the said appeal shall be considered and disposed of as indicated above within the stipulated time.

7. With the above direction, the writ petition is disposed of. In the mean while, the status-quo as on today shall continue till the disposal of the appeal by the second respondent. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

gsk

To

1.The District Supply Officer,
Perambalur,
Perambalur District.

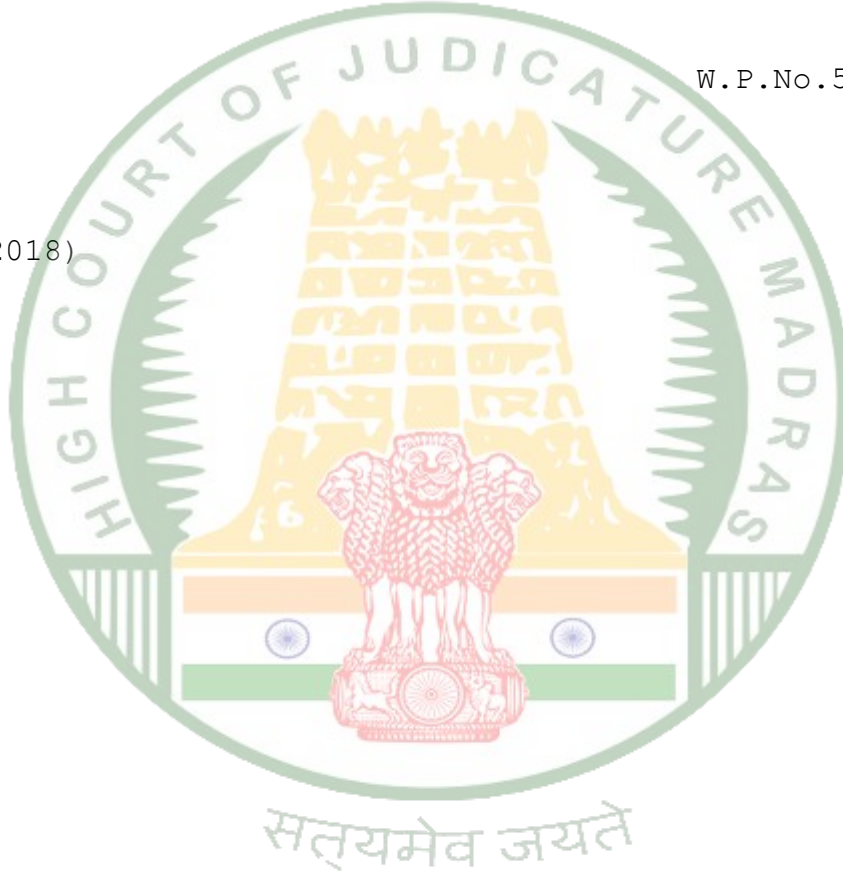
2.The District Revenue Officer,
Perambalur,
Perambalur District.

+lcc to Mr.P.Solomon Francis, Advocate SR.No.10085(06/04/2018)

+lcc to Government Pleader SR.No.10649(06/04/2018)

W.P.No.5254 of 2011

GN(22/03/2018)



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