



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2018

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAMW.P.(MD) No.4714 of 2018

M.Louis Raj

... Petitioner

-Vs-

The Additional Chief Secretary to Government,
Home (Pol.XIII) Department,
Secretariat,
Chennai-9.

... Respondent

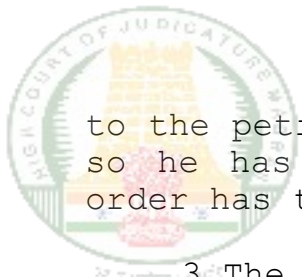
Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order in letter L.No.76675/Pol 13/2017-1, dated 31.01.2018 on the file of the respondent herein, and to quash the same and consequently, directing the respondent to dispose the appeal petitions dated 03.09.2016 and 08.12.2017 by accepting the challan No.0055 00104 AB 0007 for Rs.1000/- within a time frame as may be fixed by this Court.

For Petitioner : Mr.P.Jessi Jeeva Priya

For Respondent : Mr.N.Shanmuga Selvam
Additional Government PleaderO R D E R

This writ petition has been filed to quash the order in L.No.76675/Pol 13/2017-1, dated 31.01.2018 on the file of the respondent and consequently, direct the respondent to dispose the appeal petitions dated 03.09.2016 and 08.12.2017 by accepting the challan No.0055 00104 AB 0007.

2.The learned counsel for the petitioner has submitted that the petitioner has filed an appeal before the respondent herein against the order passed by the District Revenue Officer, Madurai, dated 19.07.2016 in his proceedings in Mu.Mu.No.12420/16/C2. She further submitted that at the time of filing an appeal fee of Rs.100/- was paid, but the respondent has rejected the appeal stating that the petitioner should have paid a sum of Rs.1,000/- as per Rule 109 of the Arms Rules, 2016. She further submitted that if the respondent felt that the petitioner has paid deficit appeal fee, then he ought to have returned the appeal by giving an opportunity



to the petitioner to pay the balance appeal fee and instead of doing so he has straight away rejected the appeal and hence, the said order has to be quashed.

3. The learned Additional Government Pleader has submitted that as per the amended Arms Rules, every appeal shall be accompanied by a fee of Rs.1000/- but the petitioner has not paid the requisite appeal fee and hence the respondent has rightly rejected the petitioner's appeal.

4. Considering the facts and circumstances of this case, this Court is of the view that if the respondent felt that the petitioner has not paid requisite fee as per Rule 109 of the Arms Rules, 2016, he should have given an opportunity to the petitioner to pay the balance appeal fee and instead of that, he should not have rejected the appeal itself. Hence, in the interest of justice, the order passed by the respondent is liable to be set aside.

5. In the result, this petition is allowed. The petitioner is directed to re-present the appeal by paying requisite appeal fee as per the Rule of the Arms Rule, 2016, within a week from the date of receipt of a copy of this order and thereafter, the respondent has to take the appeal on file and dispose of the same on merits in accordance with law, within a period of three months.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

The Additional Chief Secretary to Government,
Home (Pol.XIII) Department,
Secretariat,
Chennai-9.

+One cc to The Special Government Pleader, SR.No.53653
+One cc to Mr.N.Subramanian, Advocate, SR.No.53371

rmk

RL/4C/2P/SV/MMS/SAR1/22/3/2018

W.P. (MD) No.4714 of 2018