

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2019

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

WP.No.10076 of 2019

and

WMO.Nos.10649 & 10651 of 2019

S.Muthusamy

.. Petitioner

.Vs.

- 1.The Union of India
Represented by Secretary to the Government
Department of Posts
Shastri Bhavan
New Delhi.
- 2.The Director of Postal Services
Chennai City Region
Chennai-2.
- 3.The Chief Postmaster
Anna Road Head Post Office
Chennai-600 002.
- 4.The Postmaster General
Western Region
Coimbatore-2.
- 5.The Superintendent of Post Officers
Namakkal Division
Namakkal.
- 6.The Assistant Director (Mails)
O/o. Post Master General
Chennai City Region
Chennai-2.
- 7.The Senior Superintendent of Post Offices
Chennai City Central Division
Chennai-17.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus,

calling for the records of the 3rd and 6th respondent in relation to their proceedings issued in G2/RNL-Dlgs/2014 dtaed at Chennai-600 002 the 05.02.2014 by the 3rd respondent and in TCA/58-1/2012/CCRpt dated at Chennai 600 002 the 21.03.2019 by the 6th respondent respectively and quash the same, and issue a consequential direction to the respondents to treat the petitioner's newspaper namely, Asiriyar Parani as a registered newspaper for the purpose of granting postal concession.

For Petitioner : Mr.R.Gandhi
Senior Counsel for
Mr.R.Saseetharan

For Respondents : Mr.R.Rajesh Vivekananthan
Senior Central Government
Panel Counsel

O R D E R

The petitioner is aggrieved against the order of the 3rd respondent dated 05.02.2014 and the order of the 6th respondent dated 21.03.2019, wherein and whereby, the petitioner was called upon to pay a sum of Rs.10,20,158/- towards short billing of Postage Revenue for the postings made by the petitioner from 01.01.2009 to 31.12.2012, on the reason that the RNP licence granted to the petitioner was cancelled.

2. Heard Mr.R.Gandhi, learned Senior Counsel appearing for the petitioner and Mr.R.Rajesh Vivekananthan, learned Senior Central Government Panel Counsel.

3. Though the present writ petition is filed against the order of the 3rd respondent and the order of the 6th respondent and challenged the demand of Rs.10,20,158/- towards short billing of Postage Revenue, it is seen that the petitioner has already approached the 2nd respondent and filed an appeal dated 28.02.2019, challenging the very same demand.

4. Mr.R.Gandhi, learned Senior Counsel appearing for the petitioner submitted that the said appeal is still pending before the 2nd respondent.

5. Since the petitioner has already approached the 2nd respondent by way of appeal and disputed the impugned demand, this Court is of the view that the present writ petition cannot be maintained by the petitioner parellely without pursuing his remedy in the appeal pending before the 2nd respondent.

6. Under the above circumstances, as it is stated by the learned Senior Counsel for the petitioner that the said appeal

is still pending before the 2nd respondent, this writ petition is disposed of, without expressing any view on the merits of the claim made by the petitioner, only with a direction to the 2nd respondent to dispose of the said appeal on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. Till an order is passed by the 2nd respondent, no coercive steps shall be taken against the petitioner for recovery of the disputed amount. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

mk

To

1. The Union of India
Represented by Secretary to the Government
Department of Posts
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New Delhi.
2. The Director of Postal Services
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Chennai-2.
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6. The Assistant Director (Mails)
O/o. Post Master General
Chennai City Region
Chennai-2.

7.The Senior Superintendent of Post Offices
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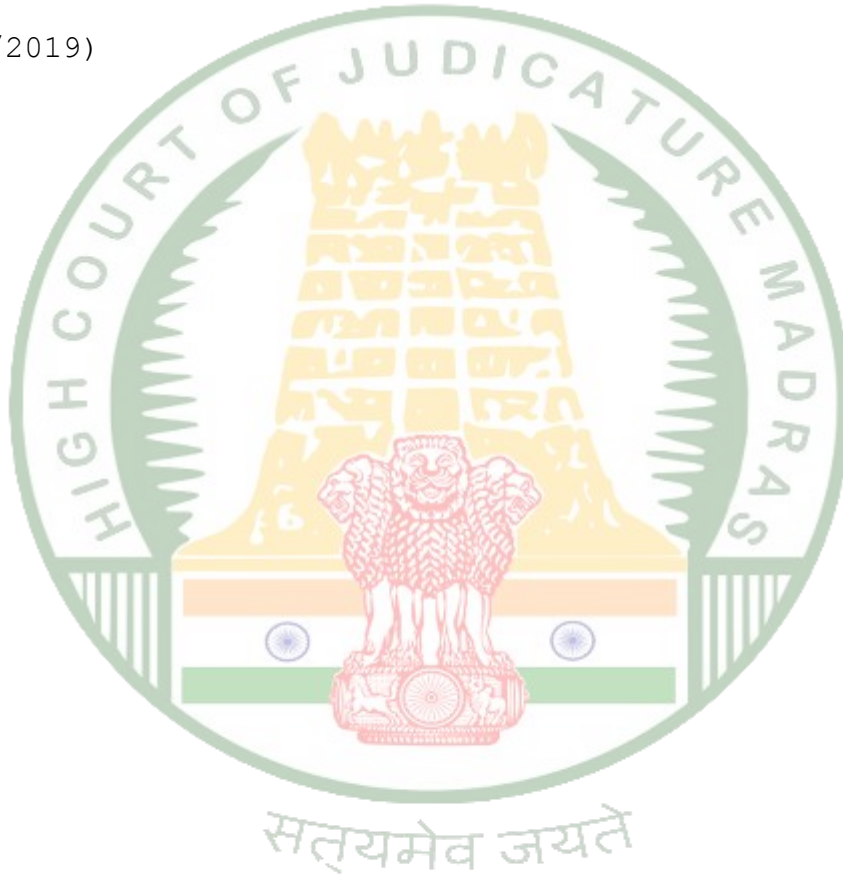
+2cc to Mr.R.Rajeshvivekananthan, Advocate SR.No.36949,35907

+1cc to Mr.R.saseetharan, Advocate SR.No.35907

+1cc to Government Pleader SR.No.

WP No.10076 of 2019

RK (CO)
GMY (27/04/2019)



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