



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2019

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.A.No.3886 of 2019

B.Sukumar ... Appellant/Petitioner

-vs-

1.The Commissioner,
HR & CE, No.110, Uthamar
Gandhi Road, Chennai 600 034.

2.The Executive Officer,
Siddhi Buddi Sundara Vinayagar,
No.96, Demellows Road, Pattalam,
Chennai 600 012.

... Respondents/Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 30.09.2019 passed in W.P.No.21869 of 2019 on the file of this Court.

Prayer in W.P.No.21869 of 2019:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first Respondent is consider the Petitioner representation dated 20.06.2019.

For Appellant

: Mr.S.Natarajan



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JUDGMENT

(Delivered by The Hon'ble Chief Justice)

This writ appeal has been filed praying for setting aside the impugned judgment dated 30.09.2019 on the ground that the grievance of the appellant remains unredressed, keeping in view the fact that the order which has been passed on 26.09.2019 by the Executive Officer is not in conformity with law.

2.The writ petition had been filed for a consideration of the representation filed by the appellant and during the pendency of the writ petition, the order dated 26.09.2019 appears to have been passed was produced before the learned Single Judge and taking notice of the same, the learned Single Judge observed that nothing remains for further consideration in the matter.

3.The writ petition was, therefore, disposed of taking into account the said subsequent event of passing of the order.

4.It appears that the appellant did not seek any permission from the Court to either challenge the said order passed on 26.09.2019 by way of a fresh writ petition or by amending the pending writ petition itself. In the given circumstances, it cannot be said that the judgment dated 30.09.2019 would be amenable to appeal.

5.In the absence of any such prayer made before the learned Single Judge, we cannot, therefore, interfere with the matter, without prejudice to the rights of the appellant to seek his appropriate remedy before the learned Single Judge himself.

The Writ Appeal is, accordingly, dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar



sra

To

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Gandhi Road, Chennai 600 034.

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+1cc to Mr.Natarajan, Advocate Sr.101717

W.A.No.3886 of 2019

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srg 07/01/2020