



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Third day of April Two Thousand and Nineteen

CORAM:

The Hon'ble Mr. Justice N. KIRUBAKARAN
AND

The Hon'ble Mr. Justice S. S. SUNDAR

CMP(MD).No.2865 of 2018

IN

WA(MD).No.789 of 2011

THE COMMISSIONER, MELPURAM PANCHAYAT UNION PACODE POST
KANYAKUMARI DT.

... Petitioner/Appellant

Vs

- 1 SELVARAJ ... 1st Respondent / Writ Petitioner
- 2 THE STATE OF TAMILNADU
REP BY ITS SECRETARY LOCAL ADMINISTRATION
DEPARTMENT FORT ST. GEORGE CHENNAI -09.
- 3 THE DISTRICT COLLECTOR,
KANYAKUMARI DT, KANYAKUMARI.
- 4 THE PRESIDENT,
MANCODE VILLAGE PANCHAYAT KANYAKUMARI DT.

... Respondents/Respondent Nos.1,2 & 4

Prayer in CMP(MD).No.2865 of 2018 :-

Civil Miscellaneous Petition is filed under section 151 of Civil Procedure Code praying this Court to set aside the order of dismissal dated 12.8.2015 dismissing WA(MD) No.789/2011 for non-prosecution and to restore the same.

Prayer in WA(MD).No.789 of 2011 :-

Writ Appeal filed under clause 15 of Letters Patent Act, against the order dated 21.10.2010 made in WP(MD).No.5513 of 2005.

Prayer in WP(MD).No.5513 of 2005 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARI calling for the records on the file of the 4th respondent bearing Na.Ka.No. Nil, of 2005 dated 1.2.2005 and quash the same and consequently direct the respondent to reinstate the petitioner with continuity of service, backwages and all other



attendant benefits.

ORDER:-

This Civil Miscellaneous Petition is coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. A.K. BASKARAPANDIAN, SPECIAL GOVERNMENT PLEADER, on behalf of the Petitioner and of Mr. S.C.HEROLD SINGH, Advocate for the 1st Respondent, and of Mr. V.SASIKUMAR, Advocate for the 4th Respondent, this Court made the following order:

This Court is convinced with the reason given in the affidavit to restore the Writ Appeal.

Accordingly, this petition is ordered.

Sd/-

Assistant Registrar (CS I)

// True Copy //

Sub Assistant Registrar(CS)

TO

1. THE SECRETARY TO GOVERNMENT OF TAMIL NADU, LOCAL ADMINISTRATION DEPARTMENT, FORT ST. GEORGE CHENNAI -600 009.
2. THE DISTRICT COLLECTOR,
KANYAKUMARI DISTRICT, KANYAKUMARI
3. The Special Govt. Pleader,
Madurai Bench of Madras High Court, Madurai

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai
(RESTORED AND LIST THE MAIN CASE)

ORDER DATED : 03/04/2019

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RESTORED

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CMP(MD).No.2865 of 2018
IN
WA(MD).No.789 of 2011
Giving direction and etc.
as stated within.

KK/SAR/26.04.2019/ 2P- 5C