

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2020

CORAM :

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

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.A.No.126 Of 2020
and CMP No.1779 of 2020

S. Saran Kumar .. Appellant

-vs-

1. P. Kannan

2. The State of Tamil Nadu
represented by its Principal Secretary,
Rural Development and Panchayat Raj Department
Fort St. George, Chennai - 600 009.

3. The District Collector,
Coimbatore District
Coimbatore

4. The Special Officer / Block Development Officer (V.P)
Thondamuthur Panchayat
Pollachi South Panchayat Union
Coimbatore District

.. Respondents

Writ Appeal filed under Clause 15 of Letters Patent against
the order passed in W.P.No.9780 of 2019 dated 19.11.2019.

WP.No.9780 of 2019:Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorarified
Mandamus to call for the records of the Impugned order made in
Na.Ka.No.403/2018/B1 dated 08.03.2019 on the file of the 3rd
respondent quash the same and further direct the 3rd
respondent to appoint the petitioner as Panchayat Secretary of
Thondamuthur Panchayat

For appellant

: Mr.A. Muthukumar

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

Heard learned counsel for the appellant.

2. The contention raised is that even though the appellant had engaged a counsel, his non-appearance before the learned Single Judge resulted in prejudice inasmuch as the appellant has ample evidence in his support to indicate that he is the resident of the same village.

3. We, in exercise power of intra court appeal, would not prefer to entertain any additional evidence, more so, in the given facts and circumstances of the case, where the appellant himself has defaulted in not appearing before the learned Single Judge. The remedy in our opinion would be to file Review Application before the learned Single Judge.

4. Accordingly, without commenting upon the merits of the case, we permit the learned counsel for the appellant to withdraw the appeal and file a Review Application.

5. Accordingly, the writ appeal is dismissed as withdrawn with liberty to the appellant to file Review Application before the learned Single Judge. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS I)

/true copy/

Sub Asst. Registrar

sr

To

1. The Principal Secretary,
State of Tamil Nadu,
Rural Development and Panchayat Raj Department
Fort St. George, Chennai - 600 009.

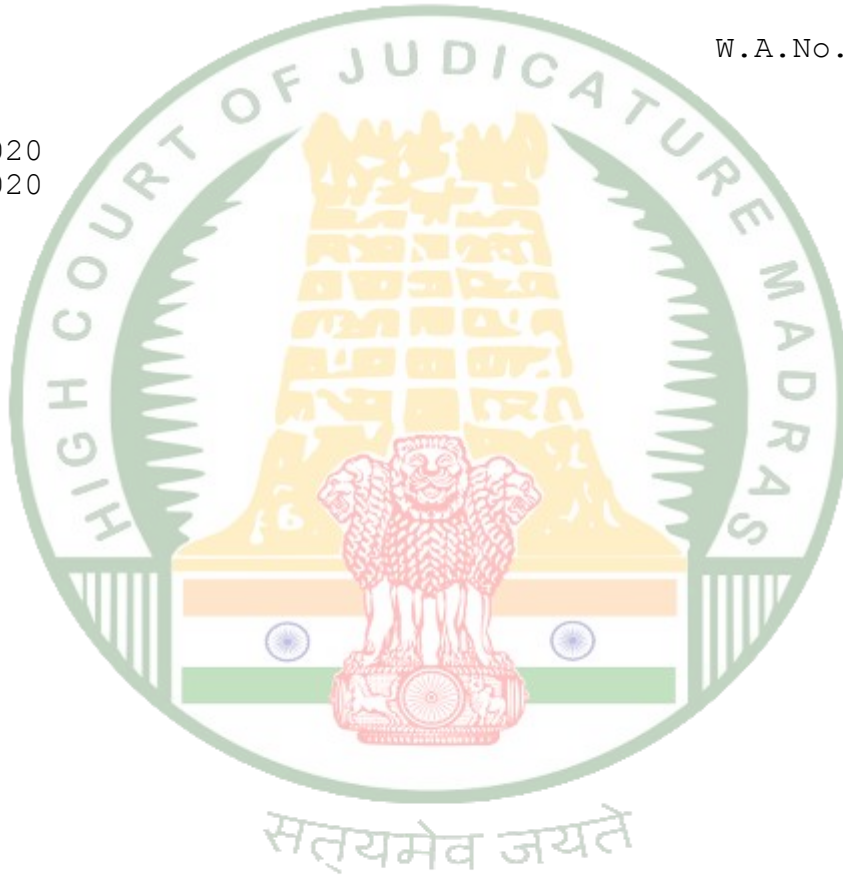
2. The District Collector,
Coimbatore District
Coimbatore

3. The Special Officer / Block Development Officer (V.P)
Thondamuthur Panchayat
Pollachi South Panchayat Union
Coimbatore District

+1 cc to M/s.A.Muthukumar advocate sr6141 dt 19/02/2020

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