



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2020

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.11766 of 2020

A.Jeyakumar

...Petitioner

-Vs-

1.The Commissioner of Revenue Administration,
Disaster Management and Mitigation Department,
Ezhilagam, Chepauk Chennai-600 005.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the Commissioner of Revenue Administration, Disaster Management and Mitigation Department, Chennai-600 005, the first respondent herein to dispose of the appeal of the petitioner dated Nil preferred against the order dated 18.01.2016 made in Na.Ka.no.A5/71298/2013 and the consequential order dated 28.04.2017 made in Na.Ka.No.G4/30181/2016 on the file of the District Collector, Ramanathapuram District, the second respondent herein.

For Petitioner : Mr.A.V.Arun

For Respondents: Mr.G.Arjunan
Government Advocate

ORDER

The prayer sought for herein is for a Writ of Mandamus, to direct the Commissioner of Revenue Administration, Disaster Management and Mitigation Department, Chennai-600 005, the first respondent herein to dispose of the appeal of the petitioner dated Nil preferred against the order dated 18.01.2016 made in Na.Ka.no.A5/71298/2013 and the consequential order dated 28.04.2017 made in Na.Ka.No.G4/30181/2016 on the file of the District Collector, Ramanathapuram District, the second respondent herein.

2.Heard Mr.A.V.Arun, learned counsel appearing for the petitioner and Mr.G.Arjunan, learned Government Advocate, who takes notice for the respondents.

3.With the consent of the learned counsel appearing on either side, this Writ Petition is taken up for final hearing and disposed of at the admission stage itself.



4. After some disciplinary proceedings against the petitioner, the second respondent has passed an order on 18.01.2016 in Na.Ka.No. A5/71298/2013, whereby the second respondent has passed an order for recovery of sum of Rs.22,20,800/- (Rupees Twenty Two Lakhs Twenty Thousand and Eight Hundred Only) from the petitioner. Pursuant to the said order dated 18.01.2016 of the second respondent, the very same second respondent on 28.04.2017 has issued further consequential proceedings to recover the said amount under Revenue Recovery Act.

5. Aggrieved over the said order dated 18.01.2016 and consequential order for revenue recovery proceedings dated 28.04.2017, the petitioner has preferred an appeal before the first respondent on 19.05.2017 and the said appeal is still pending before the first respondent. Therefore, the petitioner has filed this Writ Petition, seeking for Mandamus to direct the first respondent to decide the said appeal pending before the said authority on merits and in accordance with law, within a time frame that may be stipulated by this Court.

6. Heard Mr.G.Arjunan, learned Government Advocate appearing for the respondents, who would submit that if the said appeal is not decided so far, pending before the first respondent, the same would be considered and decided, within a reasonable time frame that may be fixed by this Court.

7. Considering the limited scope of the prayer sought for herein, this Court is inclined to pass the following order:-

"that the first respondent is hereby directed to consider and decide the appeal dated 19.05.2017 filed by the petitioner, which was filed against the order passed by the second respondent District Collector dated 18.01.2016 and consequential order dated 28.04.2017, on merits and accordingly, pass necessary final order on the said appeal, within a period of twelve (12) weeks from the date of receipt of a copy of this order."

8. With this direction, this Writ Petition stands disposed of. No costs.

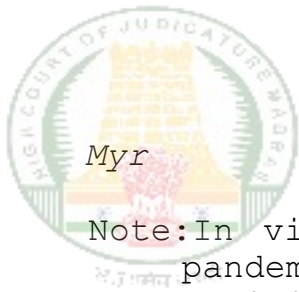
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Commissioner of Revenue Administration,
Disaster Management and Mitigation Department,
Ezhilagam, Chepauk Chennai-600 005.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

+1 CC to SGP (SR-17399[F] dated 18/09/2020)

Order made in
W.P. (MD) No.11766 of 2020

16.09.2020

ARK (CO)

NR (06/11/2020) 3P : 4C