



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2021

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THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.14025 of 2021

Marimuthu Pandian

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by Principal Secretary,
Rural Development and Panchayat Raj Department,
Fort. St. George,
Chennai -9.

2.The Director of Rural Development and Panchayat Raj,
Panagal Buildings,
Saidapet,
Chennai - 600 015.

3.The District Collector,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to pass appropriate orders on the appeal preferred by the petitioner dated 08.06.2021 and pass orders on merits and in accordance with law.

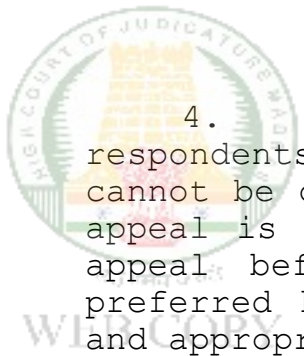
For Petitioner	:	Mr. M. Jerin Mathew
For Respondents	:	Mr. S. Shanmugavel Counsel for State

O R D E R

This Writ Petition has been filed by the petitioner, praying for issuance of a Writ of Mandamus, to direct the 1st respondent to pass appropriate orders on the appeal preferred by the petitioner dated 08.06.2021 and pass orders on merits and in accordance with law.

2. Heard the learned counsel appearing for the petitioner and the learned Government Counsel appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that as against the order of 3rd respondent dated 28.04.2021 rejecting the claim of the petitioner, an appeal dated 08.06.2021 has been preferred by the petitioner before the 1st respondent and it is pending without any progress. Hence, the learned counsel seeks mandamus to the 1st respondent to dispose of the Appeal within a prescribed time limit that may be fixed by this Court.



4. The learned Government Advocate appearing for the respondents would submit that the Appeal preferred by the appellant cannot be disposed of since the competent authority to consider the appeal is the 2nd respondent whereas, the petitioner preferred the appeal before the 1st respondent and in the event of appeal preferred before the 2nd respondent, the same would be considered and appropriate orders would be passed in accordance with law.

5. After hearing the submissions made by the learned Government Advocate, the learned counsel for the petitioner would submit that the writ petitioner may be permitted to prefer the appeal before the 2nd respondent and the same may be directed to be disposed of by the 2nd respondent within a reasonable time.

6. In view of the submissions made by the learned counsel appearing for both sides, this Court feels it appropriate to direct the petitioner to prefer an appeal before the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order and on such appeal being filed, the 2nd respondent is directed to consider the same without insisting upon limitation aspect since the petitioner has wrongly preferred before the 1st respondent, and pass appropriate orders therein, in accordance with law and on merits, within a period of 8 weeks thereafter.

7. With the above direction, this Writ Petition is disposed of . No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Principal Secretary,
Rural Development and Panchayat Raj Department,
Fort. St. George, Chennai -9.

2. The Director of Rural Development and Panchayat Raj,
Panagal Buildings,
Saidapet, Chennai - 600 015.

3. The District Collector,
Virudhunagar District.

W.P.(MD) No.14025 of 2021
18.08.2021

DJ(CO)

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