



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Third day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR

WMP(MD). No.16633 of 2019
in
WP(MD).No. 8371 of 2012

P. Vijaya Karthik,
S/o.P.Palanichamy No.2/3 Middle Street
Kodimangalam Village Madurai South Taluk
Madurai District ... Petitioner/Petitioner
Vs

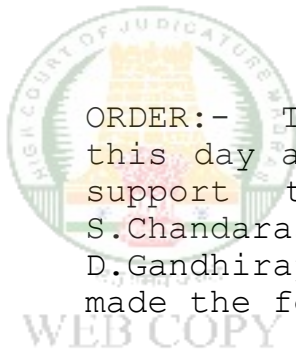
- 1 The District Collector,
Madurai Collectorate,
Madurai District.
- 2 The Revenue Divisional Officer
Madurai Collectorate,
Madurai District.
- 3 The Deputy Director of Mines and Minerals,
Madurai Collectorate,
Madurai District.
- 4 The Tahsildar,
Madurai South Taluk,
Madurai District. ... Respondents/Respondents

Prayer in WMP(MD). No.16633 of 2019 :-

This Writ Miscellaneous Petition is filed under Article 227 of the Constitution of India, To extend the time limit to a further period of 15 days to prefer the appeal petition before the 1st respondent.

Prayer in WP(MD).No. 8371 of 2012 :-

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a WRIT OF CERTIORARI, to call for the records in connection with the impugned order of the 2nd Respondent in Roc.No.11541/08/F dated 02-06-2009 and the pursuant notice of the 4th Respondent in Na.Ka.No.8833/10/B2 dated 02-11-2011 and to quash the same.



ORDER:- This Writ Miscellaneous Petition 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. S.Chandarasekaran, Advocate for the Petitioner and of Mr. D.Gandhiraj, Government Advocate for the respondents, this Court made the following order:

In the main writ petition, the prayer sought for by the petitioner is to quash the order passed by the Revenue Divisional Officer, who was the second respondent in the said writ petition dated 02.06.2009 and the consequential order passed by the fourth respondent / Tahsildar dated 02.11.2011.

2.When the said writ petition was taken up for hearing and finally disposed of, the learned Judge of this Court by order dated 09.08.2019, noted the fact that as against the impugned order in the writ petition dated 02.06.2009, passed by the Revenue Divisional Officer, Madurai, the petitioner preferred an appeal before the first respondent / District Collector, Madurai, on 23.06.2009 and the said appeal having not been disposed of and the same having kept pending, that was one of the reasons that influenced the learned Judge to reject the said writ petition. However, at paragraph No.6, the learned Judge, in the interest of justice, directed the petitioner to appear before the District Collector and furnish a copy of the appeal within a period of two weeks from the date of the order and the District Collector was directed to dispose of the appeal within three months from the date of appearance of the petitioner.

3.It seems that after getting the certified copy of the said order, the petitioner approached the District Collector with a copy of the appeal already preferred by him dated 23.06.2009. However, the same has not been received by the District Collector stating that, within two [2] weeks, the petitioner should have appeared before the District Collector. Only at that juncture, the present miscellaneous petition has been filed seeking extension of time to appear before the District Collector with the appeal dated 23.06.2009.

4.I have heard Mr.S.Chandrasedkaran, learned Counsel for the petitioner and Mr.D.Ghandiraj, learned Government Advocate, appearing for the respondents.

5.It is not the case that, the petitioner has not at all filed any appeal as against the order impugned. The fact remains that the petitioner preferred an appeal to the first respondent / District Collector on 23.06.2009. Therefore, the said appeal should have been disposed of by the District Collector, within a reasonable time. Merely because the District Collector has not disposed of the appeal from 2009 and when this Court passes an order in the year 2019, it is concluded that, once again the petitioner should appear



before the District Collector and produce the copy of the appeal within two [2] weeks. Therefore, this Court feels that the petitioner's appeal, if not disposed of, shall be disposed of on merits and in this regard, if the first respondent office finds any difficulty that, the appeal is not available because of passage of time, the petitioner can be issued a notice to that effect within a period of two [2] weeks from today, requiring him to produce the appeal and in response to the same, the petitioner shall do the needful within two [2] weeks thereafter, and if such compliance is made by the petitioner, by receiving the copy of the appeal dated 23.06.2009, from the petitioner, the first respondent / District Collector shall decide the said appeal and pass orders thereon, on merits, within four [4] weeks thereafter.

6. With these directions, this miscellaneous petition stands disposed of.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 District Collector,
Madurai Collectorate, Madurai District.
2. The Revenue Divisional Officer,
Madurai Collectorate, Madurai District.
3. The Deputy Director of Mines and Minerals,
Madurai Collectorate, Madurai District.
4. The Tahsildar,
Madurai South Taluk,
Madurai District

Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai



WEB COPY

WMP(MD). No.16633 of 2019

ORDER DATED : 03/09/2021

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ORDER

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WMP(MD) . No.16633 of 2019

in

WP(MD) .No. 8371 of 2012

Giving direction and etc.

as stated within.

KB(16.09.2021) 4P 6C