



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.5214 of 2022

Mr.G.Dhayalan

...Petitioner

Vs.

1. The State of Tamil Nadu represented by
Secretary to Government,
Home & Prohibition & Excise Department
Fort St.George, Chennai - 600 009.
2. The Commissioner of Revenue Administration,
Cheapuk, Chennai - 600 005.
3. The Collector,
Thiruvallur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorarified Mandamus, to direct the second respondent to consider the petitioner Appeal dated 06.11.2020 within a short date.

For Petitioner : Mr.D.Daniel

For Respondents : Mr.TNC.Kaushik
Additional Government Pleader

O R D E R

This matter come up for admission on 08.03.2022 when notice had been taken by the learned Additional Government Pleader. The limited prayer of the petitioner is for a mandamus directing R2 i.e. the Commissioner of Revenue Administration and Disaster Management, to consider and dispose the petitioner's appeal that had been filed as early as on 06.11.2020.

2. On the date of admission, learned Additional Government Pleader had sought some time to ascertain the status of the appeal and also revert with a realistic time frame as to how long it would take for the authority to pass orders upon the appeal, in accordance with law.



3. Today an order dated 16.03.2022 seeking to frustrate the writ petition is produced. Evidently, the order has been passed, after the matter had come up for admission, in great haste and in total disregard of the principles of natural Justice. Such an order cannot be countenanced. Thus, notwithstanding that the prayer of the petitioner is only for a mandamus, the prayer is moulded and order dated 16.03.2022 is quashed. The appeal stands restored to the file of R2.

4. Learned Additional Government Pleader points out that the authority has merely set aside the matter to the file of R3. However, even this ought to have been done only after hearing the petitioner and not in a hurried, arbitrary and unilateral fashion.

5. Let notice be issued afresh to the petitioner, the petitioner heard and after considering all documents that may be filed by the him, a speaking order passed, in accordance with law. This exercise should be completed within a period of four weeks from today.

6. In the light of the above discussions, this writ petition stands disposed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nst/ska

To

1. The State of Tamil Nadu represented by
Secretary to Government,
Home & Prohibition & Excise Department
Fort St. George, Chennai - 600 009.
2. The Commissioner of Revenue Administration,
Cheapuk, Chennai - 600 005.
3. The Collector,
Thiruvallur District.
+lcc to Mr.D.Daniel, Advocate, S.R.No.16971

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MT(CO)
RGA(04/04/2022)