



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2022

WEB COPY

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.538 of 2022

V.S.Natarajan

...Appellant/Petitioner

Vs.

1. S.S.Ramalingam

2. The Public Information Officer
Lt.Governor's Secretariat
Raj Nivas, Pondicherry.

3. The Appellate Authority
Underground Water Authority
Secretariat, Puducherry.

...Respondents/Petitioner/Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 09.11.2021 in W.P.No.16778 of 2019.

Prayer in W.P. No. 16778/2019:

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari, calling for the records of the 1st Respondent ending with No.LGS/RP/SGW/2018, dated 17.11.2018 and quash the same.

For Appellant:Mr.D.Senthil Kumar

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

In this writ appeal, a challenge is made to the order dated 09.11.2021, whereby, the writ petition preferred by the first respondent/non-appellant was allowed.

2. The writ petition was filed precisely to challenge the order dated 17.11.2018 passed by the appropriate authority



without causing notice to the writ petitioner, though he was a party to the proceedings. Accordingly, the learned Single Judge found reasons to cause interference with the order dated 17.11.2018 with remand of the case to the appropriate authority for fresh consideration. It was with an observation that the issue may be resolved after giving an opportunity of personal hearing to the appellant and the first respondent/writ petitioner.

3. The dispute is between the two brothers who are litigant before the learned Single Judge and the petition was filed by one brother against the other. Taking into consideration that the impugned order challenged before the learned Single Judge had been passed without causing notice to the writ petitioner, the same was interfered with by the learned Single Judge with remand of the case to the appropriate authority for fresh consideration. We do not find any error in the order of the learned Single Judge so as to cause interference therein. Accordingly, the writ appeal fails and is dismissed. Consequently, CMP No.3924 of 2022 is also dismissed.

s/d-
Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

kpl/drm
To

1. The Public Information Officer
Lt.Governor's Secretariat
Raj Nivas, Pondicherry.
2. The Appellate Authority
Underground Water Authority
Secretariat, Puducherry.

+2 CCs to Mr.D.Senthil Kumar, Advocate sr 17732.

W.A.No.538 of 2022

NRL (CO)
SP(22/03/2022)