

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.3123 OF 2015

AND

W.M.P.NO.1 OF 2015

1. The Superintending Engineer,
Purchase and Administration,
Mettur Thermal Power Station,
Mettur Dam-6.
2. The Internal Audit Officer,
TANGEDCO Audit Branch,
NPKRR Maaligai,
Tamil Nadu Electricity Board,
1st Floor, No.144, Anna Salai,
Chennai-1.

... Petitioners

..Vs..

1. The President,
District Consumer Disputes Redressal Forum,
Salem.
2. K.Lakshmi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified mandamus, to call for the records of th 1st respondent, vide C.C.No.53/12 dated 04.04.2013 and quash the same and also direct the 2nd respondent to approach the Civil Court to get declaration of Legal Wife.

For Petitioners : Mr.P.Subramanian
for TANGEDCO

For Respondents : Mr.District Consumer Disputes
Redressal Forum (for R1)
: Mr.R.Marudhachala Murthy
(for R2)

ORDER

The writ petition is filed challenging the order dated 04.04.2013 passed by the District Consumer Disputes Redressal Forum in C.C.No.53 of 2012.

2. The learned counsel appearing for the petitioner mainly contended that the writ petition has been filed in view of the fact that the District Consumer Disputes Redressal Forum has no jurisdiction to entertain the complaint filed by the second respondent. It is further contended that when the District Consumer Disputes Redressal Forum has no jurisdiction to entertain the complaint and such an erroneous exercise of jurisdiction resulted in filing of the writ petition.

3. This Court is of the considered opinion that even the District Consumer Disputes Redressal Forum is empowered to decide its own jurisdiction under the provisions of the Consumer Protection Act. If the issue has not been decided or decided erroneously, it is for the aggrieved person to approach the State Consumer Forum for the purpose of adjudication of the issues including the jurisdiction. Contrarily, High Court cannot entertain a writ petition against the order passed by the District Consumer Disputes Redressal Forum. When the Act contemplates an appeal before the State Consumer Forum, the petitioner is bound to approach the State Consumer Forum for the purpose of adjudication of the issues including the legal issues.

4. Accordingly, the writ petitioner is at liberty to approach the State Consumer Forum for effective adjudication of the disputed issues. In the event of any such approach, the period during which the writ petition was pending before the High Court is to be taken into consideration for the purpose of condoning the delay, if any and the issues are to be decided on merits and in accordance with law.

5. With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

psa/cse

To

1. The President,
District Consumer Disputes Redressal Forum,
Salem.
2. The Section Officer,
E.R.Section,
High Court, Madras.
(to return the original impugned order)

+1cc to Mr.R.Marudhachala Murthy, Advocate, S.R.No.43810

W.P.No.3123 of 2015

(CO)
RLP(14/07/2022)