



W.M.P.No.28518 of 2022
in W.P.No.20389 of 2013

S.M.SUBRAMANIAM,J.,

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The petition for modification has been filed to modify the final order passed by this Court in W.P.No.20389 of 2013, dated 13.11.2019.

2.The learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents made a submission that even before passing final order in the writ petition, the authorities competent heard the issues and passed final order in the year 2016. However, the said factum was mistakenly not placed before this Court and consequently, this Court directed the petitioner to avail the opportunity and defend the case before the competent authority. Since the final orders had already been passed by the competent authority even before passing of the final order by this Court in the writ petition, now, the petitioner has to prefer an appeal before the competent authority by following the procedures as contemplated. It is brought to the notice of this Court that meanwhile, the petitioner has preferred an appeal before the appellate authority and the matter is subjudiced. In view of the said factum now brought before this Court, the order passed in the writ petition is to be modified.



S.M.SUBRAMANIAM,J.,

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3.Accordingly, the petitioner is at liberty to pursue the appeal already pending before the competent appellate authority. The authorities competent shall grant waiver or condone the delay as the case may be by taking into consideration the period during which the writ petition was pending before this Court up to the date of passing of the modification order now passed in W.M.P.No.28518 of 2022. The appeal shall be decided on merits and in accordance with law.

4.Accordingly, the modification petition stands allowed.

25.11.2022

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