



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2022

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WEB COPY

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.19625 of 2021

P.Vijayalakshmi

...Petitioner

Vs.

1.The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

2.The District Revenue Officer,
Nagercoil,
Kanyakumari District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to dispose of the appeal of the petitioner, dated 23.08.2021, within the time frame fixed by this Court.

For Petitioner

: Mr.G.Ramanathan

For Respondents

: Mr.D.Ghandiraj

Special Government Pleader

ORDER

Heard Mr.G.Ramanathan, the learned Counsel for the petitioner and also Mr.D.Ghandiraj, learned Special Government Pleader, who appears for the respondents.

2.The Writ Petition has been filed in the nature of Mandamus, seeking a direction to the first respondent/the Commissioner of Land Administration, Chennai, to dispose of an appeal filed by the petitioner on 23.08.2021.

3.However, Mr.D.Ghandiraj, learned Special Government Pleader pointed out the order of the District Revenue Officer against which the petitioner had filed the aforesaid appeal, stating that the appeal itself is not maintainable and the only remedy available for the petitioner was to file a suit questioning the order of the District Revenue Officer.



4.If that be the case, a Mandamus cannot be issue to the first respondent to dispose of an appeal, which is not maintainable.

5.The petitioner can only take advantage of the particular order and file a suit questioning the order of the District Revenue Officer and seek refuge under Section 14 of the Limitation Act for having approached the wrong forum, namely, the first respondent by filing an appeal bonafide and also this Writ Petition bonafide and seek the dates to be excluded if at all the issue of limitation is put against him. This is the only concession which can be granted to the petitioner.

6.With the above observation, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

Note : 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 Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

2.The District Revenue Officer,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.SPL.GP (SR-750[F] dated 07/01/2022)

W.P (MD) .No.19625 of 2021
06.01.2022

NSN(CO)
KB(20.01.2022) 2P 4C