



W.P(MD)No.23401 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23401 of 2022

and

W.M.P.(MD)No.17477 of 2022

B.Shahul Hameed

... Petitioner

Vs.

1.The Commissioner of Revenue Administration,
Revenue Administration and Disaster
Management Department,
Ezhilagam, Chepauk,
Chennai – 600 005.

2.The District Collector,
Karur, Karur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from revering the petitioner to the post of Assistant from the post of Deputy Tahsildar pending disposal of the appeal dated 28.09.2022.

For Petitioner : Mr.H.Mohammed Imran,
For M/s.Ajmal Associates.

For Respondents : Mr.A.K.Manikkam,
Spl. Government Pleader.



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ORDER

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Heard the learned counsel on either side.

2.The petitioner apprehends reversion to the post of Assistant from the post of Deputy Tahsildar. He had filed an appeal before the first respondent on 28.09.2022. According to the petitioner, till the appeal is disposed of, he should not be reverted. The learned counsel for the petitioner relies on the order dated 12.07.2022 made in W.P.(MD)No.14923 of 2022. A learned Judge of this Court had passed the following order:-

“5.Considering the limited scope of this petition and prayer, this Court directs the first respondent to dispose the petitioner's appeal, on merits and in accordance with law, as early as possible, preferably within a period of twelve (12) weeks from the date of receipt of a copy of this order. Till such time, the respondents shall not revert the petitioner from the post of Deputy Tahsildar.”

3.The Hon'ble Supreme Court in the decision reported **AIR 1952 SC 12 (State of Orissa Vs. Madan Gopal Rungta)** had held that the final order to be passed in exercise of jurisdiction under Article 226 of the



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Constitution of India cannot be in the nature of an interim order. I am, therefore, not inclined to follow the order dated 12.07.2022 relied on by the learned counsel for the petitioner. Since the appeal itself has been given only on 28.09.2022, I am not in a position to give any direction to the first respondent also. It is for the first respondent to dispose of the said appeal on merits and in accordance with law as expeditiously as possible.

4.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

12.10.2022

Index : Yes / No
Internet : Yes/ No
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To:

- 1.The Commissioner of Revenue Administration,
Revenue Administration and Disaster
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Ezhilagam, Chepauk,
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- 2.The District Collector,
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G.R.SWAMINATHAN, J.

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