



W.P.(MD)No.25108 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.11.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.25108 of 2022

and

W.M.P.(MD) Nos.19203 & 19204 of 2022

M.Sherif

.. Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The District Revenue Officer
O/o. Collectorate Building,
Tirunelveli District.
- 3.The Sub Collector
Cheranmahadevi Taluk,
Tirunelveli District.
- 4.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
- 5.The Tahsildhar
Cheranmahadevi Taluk,
Tirunelveli District.
- 6.A.S.Manoharan

.. Respondents



W.P.(MD)No.25108 of 2022

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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records pertaining to the impugned order passed by the third respondent in Nee.Mu.5668/2020/Aa3, dated 28.09.2022 as illegal and quash the same.

For Petitioner : Mr.KM.Riyaz Ahamed

For Respondents : Mr.D.Gandhiraj, - for R1 to R5
Special Government Pleader

ORDER

This writ petition has been filed, seeking to call for the records pertaining to the impugned order passed by the third respondent in Nee.Mu.5668/2020/Aa3, dated 28.09.2022 as illegal and quash the same.

2. Heard Mr.KM.Riyaz Ahamed, learned Counsel appearing for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader appearing for the respondents 1 to 5. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

3. When the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents 1 to 5 would



W.P.(MD)No.25108 of 2022

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submit that the petitioner, without exhausting the appeal remedy as provided under relevant provision of the Act, has straightaway approached this Court and therefore, this petition is not maintainable before this Court.

4. In reply to the above, the learned Counsel for the petitioner has submitted that in this writ petition though the petitioner has sought for a larger relief, he now wants to approach the concerned appellate authority by way of appeal, to challenge the order impugned herein, in the manner known to law

5. In view of the above submission, this writ petition is disposed of, giving liberty to the petitioner to file an appeal before the appellate authority and if any such appeal being filed, the same shall be entertained without raising any objection with regard to limitation and proceed in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

04.11.2022

Index : Yes/No

Internet : Yes/No

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<https://www.mhc.tn.gov.in/judis>

3/5



W.P.(MD)No.25108 of 2022

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W.P.(MD)No.25108 of 2022

V.BHAVANI SUBBAROYAN, J.

rm

Order made in
W.P.(MD) No.25108 of 2022

04.11.2022