



WEB COPY



W.P.No.856 of 2018

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 06.03.2023

**CORAM:
THE HON'BLE MRS.JUSTICE S. SRIMATHY**

**W.P.No.856 of 2018
and W.M.P.Nos.1021 & 1022 of 2018**

V.P.Murugesan

...Petitioner

Vs

1.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai.

2.The Additional Commissioner (Health Officer),
Greater Chennai Corporation,
Rippon Buildings,
Chennai.

3.The Secretary to the Government,
Tamil Nadu Municipal Administration
and Water Supply,
Fort St. George,
Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, calling for the records from the first respondent passed in proceedings H.D.C.No.C7/1644/2011 dated 05.05.2017 including the charge memorandum issued in proceedings H.D.C.No.C7/1644/2008 dated 14.05.2008 by the second respondent and quash the same.



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For Petitioner : No representation

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

This Writ Petition is filed challenging the impugned order in H.D.C.No.C7/1644/2011 dated 05.05.2017 and the charge memo in H.D.C.No.C7/1644/2008 dated 14.05.2008.

2.Today, when the matter was taken up for hearing, the learned Additional Government Pleader appearing for the respondents submitted that alternative remedy is available to the petitioner. Moreover, the petitioner ought to have filed an appeal within a period of 60 days before the appropriate authority. He further submitted that the Writ Petition itself is filed belatedly more than seven months.

3.The said contention of the learned Additional Government Pleader is not acceptable as far as delay is concerned and this Court condone the delay in filing the appeal. The petitioner is directed to submit an appeal before the appropriate authority within a period of four weeks from the date of receipt of copy of this order and the Appellate Authority



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shall consider the same within a period of four months thereafter. The respondents shall not reject the case on limitation but consider the same on merits and pass orders.

4. With the above directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

06.03.2023

Index: Yes/No
Speaking order/Non-speaking order
vkr

To

1. The Commissioner,
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3. The Secretary to the Government,
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S.SRIMATHY, J.

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