



W.A.No.914 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.A.No.914 of 2023

T.Renugopal

.. Appellant

Vs.

1. R.Venkatesan

2. The District Collector, Vellore (cum)
The Chairman of the Appellate Tribunal
For Maintenance and Welfare of Parents
and Senior Citizens, Collectorate
Vellore.

3. The Revenue Divisional Officer, Vellore (cum)
Chairman of the Appellate Tribunal
For Maintenance and Welfare of Parents
and Senior Citizens, Collectorate
Vellore.

4. Karunakaran

5. Velumurugan

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 16.12.2022 made in W.P.No.33749 of 2022.

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For the Appellant : Mr.SN.Ravichandran

For the Respondents : Mr.T.M.Hariharan
for Respondent-1

Mrs.R.Anitha
Special Government Pleader
for Respondents 2 & 3

Mr.P.Ganesan
for Respondents 4 & 5

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.S.N.Ravichandran, learned counsel for the appellant, Mr.T.M.Hariharan, learned counsel for the first respondent, Mrs.R.Anitha, learned Special Government Pleader for the respondents 2 and 3 and Mr.P.Ganesan, learned counsel for the respondents 4 and 5.

2. The order dated 16.12.2022 made in W.P.No.33749 of 2022 is assailed.



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3. It is submitted that the impugned order passed by the learned Single Judge is without issuing notice to the present appellant, who was the third respondent and other private respondents. The opportunity was not given to the appellant to controvert the case put forth by the original writ petitioner.

4. Learned counsel for the original writ petitioner supports the order of the learned Single Judge and submits that the facts were glaring and the same have been considered.

5. It appears that the present appellant, who was the third respondent and also the respondents 4 and 5 in the writ petition, were not issued with the notice and the order has been passed. No opportunity is given to the present appellant to put forth his stand with regard to the averments made by the original writ petitioner.

6. In the light of that, the impugned order is quashed and set aside and the matter is remitted to the learned Single Judge for



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considering afresh. The parties shall appear in the said matter, W.P.No.33749 of 2022, before the learned Single Judge on 04.09.2023. In view of the fact that the date of appearance is already given by this Court, it would not be necessary for the learned Single Judge to issue notice to the parties. The learned Single Judge shall, thereafter, fix and hear the writ petition as per his convenience.

7. The writ appeal is disposed of. There will be no order as to costs. Consequently, C.M.P.No.9145 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

17.08.2023

Index : Yes/No

Neutral Citation : Yes/No

kpl

To

1. The District Collector, Vellore (cum)
The Chairman of the Appellate Tribunal
For Maintenance and Welfare of Parents
and Senior Citizens, Collectorate, Vellore.



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2. The Revenue Divisional Officer, Vellore (cum)
Chairman of the Appellate Tribunal
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(kpl)

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