



W.P.No.6539 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.03.2023

Coram:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.P.No.6539 of 2023
and
W.M.P.No.6607 of 2023

P.Thangasamy

.. Petitioner

Vs.

1. The Secretary to Government,
Revenue Department,
Fort St.George,
Secretariat, Chennai-600 009.
2. The Secretary/Commissioner
Commissionerate of Revenue Administration
and Disaster Management,
Chepauk, Chennai-600 005.
3. The District Collector,
Mayiladuthurai,
Mayiladuthurai District.
4. The Tahsildar,
Kuthalam Taluk,
Mayiladuthurai District.
5. The Joint Director,

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Veterinary Sciences,
Nagapattinam.

6. The Assistant Director,
Animal Husbandry,
Mayiladuthurai.

7. P.Kalyanam

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records relating to the order dated 03.02.2023 made in Na.Ka.No.3698/2022/U4, on the file of the District Collector, Mayiladuthurai, the third respondent and quash the same.

For petitioner : Mr.A.V.Arun, assisted by Mr.M.A.Aruneshe

For respondents: Mr.P.Muthukumar, State Govt. Pleader,
assisted by Mr.P.Balathandayutham, Spl.G.P. for RR-1 to

6

ORDER

This Writ Petition has been filed praying for issuance of a Writ of Certiorari to call for the records relating to the order dated 03.02.2023 made in Na.Ka.No.3698/2022/U4, on the file of the third respondent.

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2. When the Writ Petition is taken up for hearing, detailed arguments have been made by the learned counsel for the petitioner stating that S.No.262 is a 'Natham' land and only in the year 2010, it has been subdivided as S.No.262/2A, which has been identified as Mandhaiveli Poramboke (gracing land) and that the property of the petitioner which is situated in that land, is trying to be removed on the ground that it is shown as Mandhaiveli (Poramboke land).

3. The learned State Government Pleader appearing for the respondents 1 to 6 has produced the Town Survey Register (extract copy) to show that the said land belongs to Mandhaiveli.

4. Learned State Government Pleader has submitted that as against the impugned order, the petitioner has already preferred an appeal before the appellate authority and thus, by-passing the same, the present Writ Petition has been filed.

5. This Court has observed verbally to the learned counsel for the petitioner that by-passing the appeal remedy, the petitioner has approached this Court and he cannot ride two horses at the same time and the Writ Petition may be dismissed on merits, as he has not chosen to pursue the



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appeal remedy. At this stage, the learned counsel for the petitioner submitted that the petitioner is willing to pursue the appeal remedy. As we find that there are no merits and when we insisted the same to the learned counsel for the petitioner, we make it clear that the appellate authority can decide the appeal uninfluenced by any of the observations made in this order, as the petitioner has agreed to pay 10 times the electricity charges till the appeal is disposed of and he would agree for the same by submitting that in case he succeeds in the appeal filed before the appellate authority, the balance amount after adjusting the actual electricity charges, shall be refunded to him.

6. Taking note of the above submissions, the concerned appellate authority is directed to decide the appeal as expeditiously as possible and till such time the appeal is disposed of, preferably within three months from the date of receipt of a copy of this order, the petitioner shall pay the electricity charges ten times the amount of the electricity charges based on the meter reading taken and in case the petitioner succeeds in the appeal, after adjusting the amount of electricity charges as per the meter reading, the balance amount can be refunded to the petitioner.

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7. Even though the petitioner has preferred the appeal, because of the threat of eviction, he has approached this Court, the appellate authority is also empowered to pass the interim order. Hence, by-passing that appeal remedy and contending that to avoid eviction, the petitioner has approached this Court, cannot be acceded to.

8. With the above observations/direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, W.M.P. is closed.

(S.V.N., J) (R.K.M., J)
03.03.2023

Index: Yes/no

Speaking Order: Yes/no

Neutral Citation: Yes/no

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To

1. The Secretary to Government,
Revenue Department,
Fort St.George,
Secretariat, Chennai-600 009.

2. The Secretary/Commissioner

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Commissionerate of Revenue Administration
and Disaster Management,
Chepauk, Chennai-600 005.

3. The District Collector,
Mayiladuthurai,
Mayiladuthurai District.
4. The Tahsildar,
Kuthalam Taluk,
Mayiladuthurai District.
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Veterinary Sciences,
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S.VAIDYANATHAN, J

and

R.KALAIMATHI, J

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