



W.P.No.29746 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.29746 of 2023

and

W.M.P.No.29357 of 2023

K.K.Karthikeyan

...
/vs/

Petitioner

1.The Commissioner of Land
Administration
Ezhilagam, Chepauk
Chennai – 600 005.

2.The District Revenue Officer,
Coimbatore District,
Coimbatore.

3.V.Narasimman

4.V.Ramakrishnan

5.V.Sundaresan

6.V.Parvathi

... Respondents

PRAYER : The writ petition has been filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus calling for the records relating to the order dated 27.06.2023 made in letter No.R1/2045558/2022 on the file of the Commissioner of Land Administration, the 1st respondent herein and quash the same and consequently direct the 1st respondent to consider the appeal preferred by the petitioner dated 16.02.2022 and dispose of the same on merits.



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For Petitioner ... Mr.A.V.Arun
For Respondent ... Mr.Yogesh Kannadasan
Nos.1 and 2 Spl.Government Pleader

ORDER

The writ petition has been filed to issue a writ of Certiorarified Mandamus calling for the records relating to the order dated 27.06.2023 made in letter No.R1/2045558/2022 on the file of the Commissioner of Land Administration, the 1st respondent and quash the same and consequently, direct the 1st respondent to consider the appeal preferred by the petitioner dated 16.02.2022 and dispose of the same on merits.

2.The learned counsel appearing for the petitioner would submit that as per the direction of this Court dated 02.12.2021 in W.P.No.4690 of 2019, the petitioner preferred an appeal before the first respondent against the order of the second respondent, but, the first respondent, without giving any opportunity to rectify the mistake, straight away rejected the appeal. Therefore, challenging the said order of rejection made by the first respondent on technical ground, the present writ petition has been filed.

3.Heard the learned Special Government Pleader appearing for the



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respondents 1 & 2.

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4. On perusal of the records, it is seen that the first respondent ought to have given opportunity to the petitioner to rectify certain mistakes as pointed out by him, but on the contrary, the first respondent without giving any opportunity, simply has rejected the appeal filed by the petitioner on technical ground. Therefore, the order passed by the first respondent dated 27.06.2023 is hereby quashed and the petitioner is directed to rectify the mistakes as pointed out by the first respondent and file a fresh appeal before him, thereafter, the first respondent is directed to proceed the appeal further and disposed of the same on merits and in accordance with law.

With the above directions, the writ petition is allowed. No costs.
Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
sms

12.10.2023

To



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P.VELMURUGAN,J.



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