



WP (MD) No.22952 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.22952 of 2023 and
WMP(MD) No.19712 of 2023

Murugappan.C.T

... Petitioner

Vs

- 1.The Commissioner of Revenue,
Administration and Disaster Management,
Ezhilagam, Chepauk,
Chennai 600 005.
- 2.The District Magistrate and District Collector,
Virudhunagar District,
Virudhunagar 626 002.
- 3.The Additional District Magistrate,
State and District Revenue Officer,
Virudhunagar District,
Virudhunagar 626 002.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd



WP (MD) No.22952 of 2023

respondent to dispose of the appeal dated 06.12.2018 submitted by the petitioner within a time frame fixed this Court.

For petitioner : Mr.A.V.Arun
For Respondents: Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

As against the cancellation of the license granted to the petitioner under the Explosives Act, the petitioner has preferred an appeal before the District Magistrate and District Collector, Virudhunagar District on 06.12.2018 and filed this writ petition for a Mandamus, directing the respondents to dispose of the appeal within a reasonable period.

2.Mrs.D.Farjana Ghoushia, learned Special Government Pleader who takes notice for the respondents submits that the appeal ought to have preferred before the Commissioner of Revenue Administration. However, it has been wrongly filed before the District



WP (MD) No.22952 of 2023

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Magistrate and District Collector, Virudhunagar District. The District Collector is not the correct/competent Appellate Authority and therefore his application has not been considered.

3.This Court considered the rival submissions made.

4.If the petitioner has preferred the appeal before the wrong authority/the District Collector, the District Collector ought to have referred the matter before the appropriate Forum. However, instead of referring the appeal to the competent authority, the second respondent has not taken any decision on the appeal preferred by the petitioner and the same is kept pending for the more than three years without any progress.

5.In view of the above, this writ petition is disposed of with a direction to the second respondent/the District Magistrate and District



WP (MD) No. 22952 of 2023

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Collector to forward the appeal filed by this petitioner to the first respondent/the Commissioner of Revenue, Administration and Disaster Management within a period of two weeks from the date of receipt of a copy of this order. On receipt of appeal filed by the petitioner, the first respondent/the competent authority shall proceed further on the appeal preferred by the petitioner as expeditiously as possible, preferably within a period of six months from the date of receipt appeal. No costs. Consequently, connected Miscellaneous Petition is closed.

21.09.2023

NCC :Yes/No
Index :Yes/No
Internet:Yes
vrn



WP (MD) No.22952 of 2023

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To

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WP (MD) No.22952 of 2023

B.PUGALENDHI, J.

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Order made in
WP(MD)No.22952 of 2023 and
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21.09.2023