



C.R.P.(MD)No.2591 of 2023

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DATED: 16.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2591 of 2023

A.S.Subramanian

... Petitioner

Vs.

1. The Secretary,
School Education Department,
Secretariat,
Chennai.
2. The Commissioner,
School Education Department,
College Road,
Chennai - 6.
3. The Joint Director,
School Education Department,
Commissioner Office,
Administrative Staff Block,
College Road,
Chennai - 6.
4. The District Collector,
Collector Office,
Korampallam,
Thoothukudi District.



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5. The Chief Educational Officer,
District Chief Educational Office,
C.V. School Campus,
Thoothukudi.
6. The District Education Office,
Kovilpatti Education District,
Kovilpatti,
Thoothukudi District.
7. The Head Master,
Government High School,
Vedanatham Post,
Ottapidaram Taluk,
Thoothukudi District.
8. The Tamil Nadu Information Data Center,
Saidapet Veterinary Hospital Campus,
5th Floor,
Chennai.

... Respondents

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the District Consumer Disputes Redressal Commission Thoothukudi to take on file and number the Consumer Complaint in unnumbered CC SR No.28 of 2023 dated 13.03.2023 on the file of District Consumer Disputes Redressal Commission, Thoothukudi and to decide the same on merits in accordance with law within a time frame fixed by this Court by allowing this Civil Revision Petition.

For Petitioner : Mr.I.Robert Chandrakumar



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ORDER

The Civil Revision Petition is directed against the order of return of the complaint filed under Section 35 of the Consumer Protection Act, 2019.

2. The learned counsel appearing for the revision petitioner would submit that though the revision petitioner has filed the complaint before the District Consumer Forum, the same was returned again and again stating some reason or other.

3. It is seen from the return petition that though the petition came to be filed on 13.03.2023, the same was adjourned on the grounds that there was no quorum, that the petitioner's counsel was absent and so on.

4. The learned counsel appearing for the revision petitioner would submit that Section 47 of the Consumer Protection Act deals with the jurisdiction of the State Commission, wherein, the State Commission, apart from entertaining the complaint and appeals shown in 1(a) of the said provision, is given power to call for the records and pass order in any consumer dispute, which is pending before or has been decided by any



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District Commission within the State, where it appears that such District Commission has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested or has acted in exercise of its jurisdiction illegally or with material irregularity, but not with respect to complaint not pending before the District Commission.

5. Considering the above, the impugned return is not proper and is not in accordance with law. Hence, the District Consumer Disputes Redressal Commission, Thoothukudi is hereby directed to take the petition on file, if it is otherwise in order. It is clarified that if the Commission is entertaining any doubt with respect to the maintainability, they are at liberty to decide the same in accordance with law.

6. With the above direction, this Civil Revision Petition is disposed of. No costs.

16.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

Note : Registry is directed to return the original papers to the revision petitioner, after getting necessary acknowledgments.



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To

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1. The District Consumer Disputes Redressal Commission,
Thoothukudi.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
C.R.P.(MD)No.2591 of 2023

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