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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2024

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.24202 of 2024
and WMP.No.26754 of 2024

Ramani @ Mohanambal

... Petitioner

Vs.

1. The Commissioner
HR & CE Department,
119, Uthamar Gandhi Road,
Chennai.

2. The Joint Commissioner,
HR & CE Board, Chennai.

3. The Assistant Commissioner,
HR & CE Board, Egmore Chennai.

4. The Inspector,
HR & CE Board, Egmore, Chennai.

5. The Takkar/Sit Person,
Arulmigu Angalaparameshwari &
Kasi Viswanatha Samy Temple,
No.5, South Mada Street, Soolai, Chennai.

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari calling for the records relating to the impugned order issued by the 3rd respondent in Se.Mu.Na.Ka.No.3806/2023/A2 dated 01.08.2024 issued by the 3rd respondent and quash the same as illegal.

For Petitioner : Mr.Krishnasamy Chinnasamy
For Respondents : Mr.K.Karthikeyan
GA RR1 to 4
R5- NDW

ORDER

This Writ Petition has been filed seeking to quash the impugned order issued by the 3rd respondent in Se.Mu.Na.Ka.No.3806/2023/A2 dated 01.08.2024 issued by the 3rd respondent.

2. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that this Court, without going into the merits of the case, may grant liberty to him to file an appeal before the joint commissioner.

3. The learned counsel for the respondents have not raised any objection in this regard.



4. Heard the learned counsel for the petitioner and the learned Government Advocate and perused the materials available on record.

5. As against the order passed by the 3rd respondent, the present writ petition has been filed by the petitioner. The petitioner has to file an appeal by challenging the impugned order before the Joint Commissioner, HR & CE Department. Without doing so, the petitioner has filed the present writ petition and even he has not added the Joint Commissioner as a respondent. The other respondents have no power to pass orders in this regard. The petitioner has to ventilate his grievance only before the Joint Commissioner, HR & CE Department and he cannot avail the benefit by preferring the present writ petition, which is not maintainable.

6. Considering the facts and circumstances of the case and in view of the limited request sought for by the petitioner, this Court directs the petitioner to file an appeal before the Joint Commissioner, HR & CE Department by challenging the impugned order within a period of two weeks from the date of receipt of a copy of this order. Upon filing of the said appeal, the Joint Commissioner shall consider the same and pass appropriate orders after providing opportunity to the parties on merits and in accordance with



law within a period of eight weeks thereafter.

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7. With the above direction, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

21.08.2024

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To

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HR & CE Board, Chennai.

3. The Assistant Commissioner,
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M.DHANDAPANI,J.



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