



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

C.M.P(MD)No.1931 of 2024

in

W.A(MD)SR.No. 5789 of 2024

P. Raja

... Petitioner/Appellant

-Vs-

1. M.Logeshwaran

2. The District Collector,
Dindigul District, Dindigul.

3. The Block Development Officer,
Panchayat Union,
Balakrishnapuram,
Dindigul.

4. The Assistant Director of Panchayat,
Dindigul Collectorate,
Dindigul.

5. The Tahsildar,
Dindigul East,
Dindigul.

6. N. Revathi

7. D. Nagaraj

... Respondents/Respondents

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PRAYER in C.M.P(MD)No.18851 of 2024: Petition filed under Section 5 of the Limitation Act, to condone the delay of 89 days in preferring this writ appeal before this Court as against the Order passed in W.P(MD)No.9897 of 2021, dated 27.09.2023.

PRAYER in W.A(MD)SR.No. 5789 of 2024 : Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the Order, dated 27.09.2023 passed in W.P(MD)No.9897 of 2021 on the file of this Court.

For Petitioner : Mr.V.Karuna

For R-2 to R-5 : M/s. D.Ghandiraj,
Special Government Pleader

ORDER

DR.G.JAYACHANDRAN, J.
AND
R.POORNIMA, J.

This petition is filed to condone delay of 89 days in preferring the Writ appeal by the 7th respondent, who got himself impleaded in the Writ petition filed by one M.Logeshwaran.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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3. On perusal of the impugned order reveals that *Writ of Mandamus* was filed by M.Logeshwaran to direct the District Collector, Dindigul District, Dindigul, to consider his representation, dated 02.06.2020 alleging misuse of the official position of 5th respondent as President of the 2nd respondent Panchayat Union.

4. In this case, the present petitioner/appellant had got himself impleaded and made certain acquisition against the writ petitioner for misusing his authority as a Ward member of the said Panchayat. The Learned Single Judge, after considering rival submissions on fact, directed the 1st respondent/District Collector, Dindigul District, District, to consider the representation given by the M.Logeshwaran, dated 02.06.2020 and pass appropriate orders, within a period of eight weeks, without adverting to the merits of the case.

5. The writ appeal is filed as if the Learned Single Judge had gone into the allegations made by the implead petitioner, but failed to consider it and this writ appeal itself is mis-conceived and been filed with some oblique motive. For filing this writ appeal, there is a delay of 89 days, which has been now come up for consideration by this Court.



6. On considering the facts, this Court finds that the petitioner/appellant herein with oblique motive has filed this Appeal, with delay of 89 days. Therefore, this Court is inclined dismiss with Costs.

7. Therefore, the petitioner/appellant is directed to pay Rs.5,000/- [Rupees Five Thousand Only] as Costs, payable to the District Collector Relief Fund, DIndigul District, Dindigul, within a period of 30-days from the date of this order, failing which, the District Collector is entitled to collect the money under Revenue Act.

8. With these observations, this Petition stands dismissed. Consequently, connected Writ Appeal is also rejected at SR stage. No costs.

[G.J., J.] & [R.P., J.]

27.03.2025

NCC : Yes / No
Index : Yes / No
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