



W.P.(MD) No.9582 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD) No.9582 of 2025

and

W.M.P.(MD) No.7171 of 2025

- 1.The Principal Chief
Conservator of Forest
Forest Head Quarters Building
Near Kannikapuram Checkpost
Guindy-Velachery Main Road
Guindy, Chennai-600 032
- 2.District Forest Officer
Dindigul Division
Velunachiar Complex
Dindigul-624 004
- 3.District Forest Officer
Salem Division, Gandhi Road
Salam-636 007
- 4.Forest Range Officer
Forest Range Office
Andipatty, Theni District
- 5.Forest Range Officer
Alagarkoil Forest Range Office
Vemparali, Madurai-Natham Road
Natham-624 401, Dindigul District



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6.Single Lock Officer
Government Additional
Sandalwood Depot
Yercaud Main Road
Hasthampatti
Salem-636 007

... Petitioners

-vs-

1.Vijayakumar
2.District Collector
First Floor, Collectorate
Dindigul-624 004

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the impugned order dated 26.06.2024, passed by the District Consumer Disputes Redressal Commission, Madurai, in C.C.No. 155 of 2023 and to quash the same as without jurisdiction.

For Petitioners : Mr.S.P.Maharajan
Special Government Pleader

For Respondents : Mr.R.Narayanan for R1
No appearance for R2

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

Under assail is the order dated 26.06.2024, passed in C.C.No.155 of 2023, by the District Consumer Disputes Redressal Commission, Madurai.



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2. Curiously, the State has preferred this writ petition under Article 226 of the Constitution of India knowing the fact that statutory appeal remedy has been contemplated under the Consumer Protection Act, 1986 and an appeal is to be preferred before the State Consumer Disputes Redressal Commission.

3. Such writ petitions are filed with an idea to get over the period of limitation. Pertinently, Section 15 of the Consumer Protection Act, 1986, contemplates “Appeal”. Accordingly, any person aggrieved by an order made by the District Forum may prefer an appeal against such order to the State Commission within a period of thirty days from the date of the order, in such form and manner as may be prescribed. Provided that the State Commission may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period. Importantly, second proviso clause has been inserted by the Act 50 of 1993 and it stipulates that no appeal by a person, who is required to pay any amount in terms of an order of the District Forum, shall be entertained by the State Commission unless the appellant has deposited in the prescribed



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manner fifty per cent of that amount or twenty-five thousand rupees, whichever is less.

4. Therefore, the contention of the State in filing the present writ petition challenging the order passed by the District Consumer Disputes Redressal Commission needs to be considered in view of the fact that the State has not approached the High Court in clean hands. The District Consumer Disputes Redressal Commission, Madurai, passed final orders in C.C.No.155 of 2023, on 26.06.2024. But, the present writ petition has been filed on 17.03.2025 after nearly about nine months from the date of passing of the said order. Pertinently, the petitioners have contested the case before the District Consumer Disputes Redressal Commission and therefore, they were aware of the proceedings. Further, the Government Pleaders are expected to provide correct legal advise to the authorities concerned, since the money spent on such litigations is of the public exchequer. Any ill-advise by the law officers cannot be brushed aside as tax payers' money is involved in such matters. Such unnecessary litigations are filed by the State knowing the fact that statutory appeal remedy is provided under the provisions of the Act concerned and it is a routine practice even by the lawyers to prefer appeals



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before the State Consumer Disputes Redressal Commission as against the orders passed by the District Consumer Disputes Redressal Commission.

5. The core contention of the petitioners is that the District Consumer Disputes Redressal Commission, Madurai, has passed the impugned order without deciding the maintainability of the complaint lodged by the first respondent under the provisions of the Consumer Protection Act, 1986 and thus, the impugned order is without jurisdiction. That apart, for preferring an appeal as against the order passed by the District Consumer Disputes Redressal Commission, 50% of the award amount is to be deposited. Even presuming that an order has been passed by the District Consumer Disputes Redressal Commission without jurisdiction, such a legal point can be raised before the State Consumer Disputes Redressal Commission and in such an event, if the State Consumer Disputes Redressal Commission is satisfied, they may pass suitable orders. The State has subjected themselves to the jurisdiction of the District Consumer Disputes Redressal Commission and filed their counter affidavit and contested the case. When that being the factum, the statutory appeal ought to have been preferred before the State Consumer Disputes Redressal Commission.



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6. The State Consumer Disputes Redressal Commission is empowered to adjudicate both factual and legal grounds raised between the parties. Thus, the ground of jurisdiction raised by the State in this writ petition cannot be considered as a valid ground for the purpose of entertaining the writ petition under Article 226 of the Constitution of India.

7. The litigants, in order to circumvent certain circumstances contemplated under the statute, are filing writ petitions, which cannot be entertained nor maintainable. In the present case, the State has preferred the present writ petition, since there was a delay on their part to prefer an appeal before the State Consumer Disputes Redressal Commission. Secondly, they have chosen to avoid the deposit of 50% of the award amount, which is the statutory requirement. Thus, the grounds raised by the petitioners are insufficient for the purpose of entertaining the present writ petition.

8. The scheme of the Act, at no circumstances, be diluted and the Forums created under the statutes must be allowed to exercise its power in the manner as contemplated under the relevant statutes. High Court is not expected to usurp the jurisdiction of the State Consumer Disputes Redressal



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Commission, except on exceptional circumstances, where such Commissions / Tribunals are not functioning on account of some other reasons. Therefore, this Court is not convinced with the arguments advanced by the learned Special Government Pleader appearing for the petitioners.

9. Accordingly, this writ petition is dismissed. The petitioners are at liberty to approach the State Consumer Disputes Redressal Commission challenging the impugned order passed by the District Consumer Disputes Redressal Commission. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.] [A.D.M.C., J.]
03.06.2025
(2/2)

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

Note:

Registry is directed to return the original impugned either to the petitioners or to the Special Government Pleader appearing for the petitioners after obtaining necessary acknowledgement from them / him and retaining a photocopy of the impugned order in the case bundle.

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To:
The District Collector,
First Floor,
Collectorate,
Dindigul-624 004.



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DR.A.D.MARIA CLETE, J.

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