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W.P.(MD)NO.33717 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.11.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.33717 of 2025 AND
W.M.P.(MD)Nos.26617 & 26618 of 2025

RM.Subbaiah

... Petitioner

Vs.

1. The District Collector,
Pudukkottai District,
Pudukkottai.

2. The Sub-Collector / Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.

3. The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order dated 12.09.2025 in Na.Ka.No.1001/2017(G&M) issued by the first respondent and consequential order passed by the third respondent made in Na.Ka.No.6492/2025/Aa4 dated 26.09.2025 and quash the same.



For Petitioner : Mr.P.Arun Jayatram

For Respondents : Mr.M.Lingadurai,
Special Government Pleader.

* * *

ORDER

Heard both sides.

2. The writ petitioner was accused of having indulged in illicit quarrying. The Revenue Divisional Officer, Pudukkottai passed an order levying penalty. Aggrieved by the same, appeal has been filed before the District Collector, Pudukkottai. In the meanwhile, the assessment order is sought to be enforced.

3. There is considerable merit in the contention of the petitioner's counsel that the right of first appeal is a statutory right and that it should not ordinarily be frustrated by enforcing the order in the meanwhile. It is well settled that the appeal is a continuation of the original proceedings. All the entire factual and legal matrix are once again opened before the appellate authority. The appellate authority can very well dispose of the appeal expeditiously. The



order passed by the jurisdictional Revenue Divisional Officer shall be kept in abeyance and put on hold till the appeal filed by the petitioner is disposed of. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

25.11.2025

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No

PMU

To:

1. The District Collector,
Pudukkottai District,
Pudukkottai.
2. The Sub-Collector / Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.
3. The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.



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G.R.SWAMINATHAN,J.

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