

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION No.19333 of 2020

ORDER:

The writ petition is filed under Article 226 of the Constitution of India seeking to declare the action of the 2nd respondent in dismissing the appeal by order in Rc.No.CS.3/178/2020, dated 08.7.2020 observing that the same was presented with a delay of 86 days without taking into consideration of the orders of the Hon'ble Apex Court dated 23.3.2020 as made in Suo Motu WP (C) No.3/2020 by confirming the orders of the 3rd respondent dated 23.3.2020 as made in Rc.No.CS3/202/2019 of the 3rd respondent which was passed without considering the petitioner's explanation, recording proper reason and without furnishing the reports of the 4th and 5th respondents as illegal, arbitrary, unconstitutional and consequently set aside the proceedings of 2nd respondent in Rc.No.CS.3/178/2020, dated 08.7.2020 and confirming orders of the 3rd respondent dated 23.3.2020 as made in Rc.No.CS3/202/2019.

Without going into merits of the case and also several grounds raised by the petitioner in this writ petition, the writ petition is disposed of at the admission stage with the consent of both counsel. No doubt considering the pandemic situation, the Hon'ble Apex Court by order dated 23.3.2020 has passed the following order Suo Motu Writ Petition (Civil) No.3/2020:

"To obviate such difficulties and to ensure that lawyers/litigants do not have to come physically to file such proceedings in respective Courts/Tribunals across the country including this Court, it is hereby ordered that a period of limitation in all such proceedings, irrespective of the limitation prescribed under the general law or Special Laws whether condonable or not shall stand extended

w.e.f.15th March 2020 till further order/s to be passed by this Court in present proceedings”.

Apart from that this Court also passed similar order in W.P.8130 of 2020. In view of the above directions of the Hon'ble Supreme Court as well as this Court, the writ petition is disposed of by setting aside the impugned proceedings of the 2nd respondent/District Collector dated 08.7.2020 and the matter is remanded back to the concerned authority directing to consider the appeal filed by the petitioner, without taking the delay into consideration and pass appropriate orders on merits within six (6) weeks from the date of receipt of copy of this Order.

Accordingly, the writ petition is disposed of. No costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE D. RAMESH

Date: 21.10.2020
Rd

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION No.19333 of 2020

Dated 21.10.2020

Rd