

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

WA.No. 2188 of 2015 ()

WP(C) 27461/2015 of THIS HONOURABLE COURT

APPELLANT/PETITIONER :

**A. INDULEKHA, DISTRICT REGISTRAR (GENERAL)
OFFICE OF THE DISTRICT REGISTRAR (GENERAL)
APAPPUZHA - 688001.**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS/RESPONDENTS :

- 1. STATE OF KERALA REPRESENTED BY THE
SECRETARY TO GOVERNMENT DEPARTMENT OF TAXES,
SECRETARIAT, THIRUVANANTHAPURAM - 695001.**
- 2. REGISTRATION INSPECTOR GENERAL
REGISTRATION INSPECTOR GENERAL OFFICE,
THIRUVANANTHAPURAM - 695001.**
- 3. REGISTRATION DEPUTY INSPECTOR GENERAL,
SOUTHERN - CENTRAL AREA, ERNAKULAM - 682011.**

BY SENIOR GOVERNMENT PLEADER SRI. P.I DAVIS

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 07-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

WA.No. 2188 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS :

**ANNEXURE I: COPY OF THE ESTIMATE FOR CONSIDERING THE RESIDENTIAL
HOUSE.**

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.S. TO JUDGE

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

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W.A. No. 2188 of 2015

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Dated this, the 7th day of October, 2015

J U D G M E N T

Ashok Bhushan, C.J.

This writ appeal has been filed against interim order dated 14/9/2015 in WP(C) No.27461/2015. The appellant had filed the writ petition challenging Exts.P4 and P6. By Ext.P4, direction was issued to remit the entire amount received in terms of the house building advance by the appellant. By Ext.P6, memo of charges dated 22nd July, 2015 were issued against the appellant. Petitioner/appellant challenged both the orders and also prayed for a stay of both the proceeding. Although the learned Single Judge by interim order dated 14/9/2015 stayed Ext.P4 subject to petitioner paying 25% of the amount demanded within a period of one month and called for a counter affidavit, the prayer for staying the disciplinary proceedings was not granted. Rather the learned Single Judge observed that “The disciplinary proceedings shall be continued”. Appellant aggrieved by the last line of the

order as extracted above has come up in the appeal.

2. Appellant's case is that after receiving the memo of charges, she has filed Exts.P10 and P11 to the disciplinary authority, where she has made submissions that no misconduct has been committed and the proceeding deserves to be dropped. Learned counsel for the appellant submits that in view of the observation of the learned Single Judge in the order, now the respondents are obliged to continue the proceeding, even if the appellant is able to prove before the respondents that no misconduct was committed.

3. Sri.P.I.Davis, learned Government Pleader submits that no counter affidavit has been filed in the writ petition and hence all materials could not be brought on record including the allegations and other details pertaining to the memo of charges. In the present appeal, we need not go into the issue as to whether there was a misconduct or not. Ends of justice deserve in only deleting the last line of the interim order, i.e., direction of the learned Single Judge to the effect that "The disciplinary

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proceedings shall be continued” and we do so. We make it clear that it is for the disciplinary authority to consider Exts.P10 and P11 and take appropriate decision in accordance with law.

Writ appeal is disposed of accordingly.

Sd/-

ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

7/10/2015

//True Copy//

PS to Judge