



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.18217 of 2015

and

M.P (MD) Nos.1 & 2 of 2015

Ramalingam

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome Highway,
Santhome, Chennai.

2.The District Registrar,
O/o.District Registrar Office,
Railway Feeder Road,
Tenkasi, Tirunelveli District.

3.The Enquiry Officer & District Registrar,
Kanyakumari @ Nagercoil,
Kanyakumari District.

... Respondents

PRAYER:- Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent in his proceedings in Charge Memo No.62469/V1/2012-1, dated 15.12.2014 and to quash the same as illegal.

For Petitioner : Mr.A.Velan
for M/s.Ajmal Associates

For Respondents : Mr.S.Sathesh Kumar
Addl. Government Pleader

ORDER

This Writ Petition has been filed by Ramalingam, for issuance of a Writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent in his proceedings in Charge-Memo No.62469/V1/2012-1, dated 15.12.2014 and to quash the same.



2. Mr.S.Sathesh Kumar, learned Additional Government Pleader takes notice for the respondents.

3. The petitioner has again visited this Court challenging the validity of the charge-memo, dated 15.12.2014 issued against the petitioner for closing the departmental proceedings on the ground that when this Court by order, dated 24.04.2015 directed the Inspector General of Registration to conclude the departmental proceedings initiated against him in the same charge-memo No.62469/V1/2012-1, dated 15.12.2014 by conducting the enquiry on day-to-day basis and with a further direction to the petitioner to co-operate with the respondent for early conclusion of the departmental proceedings, the said direction has been over-looked. Therefore, as per the ratio laid down by this Court as well as by the Apex Court in various Judgments, the respondents cannot prolong the departmental proceedings, for they failed to complete the enquiry within the time stipulated by this Court, hence, the entire departmental proceedings should be quashed.

4. The learned counsel for the petitioner would further submit that the Apex Court, in the case of **Commissioner, Karnataka Housing Board vs. C.Muddaiah** reported in (2007) 7 SCC 689 has categorically held that **"if an order passed by the Court of law is not complied with or is ignored, there will be an end of the rule of law. If a party against whom such order is made has grievance, the only remedy available to him is to challenge the order by taking appropriate proceedings known to law"**.

5. On the basis of the above ruling, the learned counsel would contend that in the present case, the time given for completion of the enquiry is over, hence, the charge-memo issued and the impugned order herein is liable to be quashed.

6. Refuting the contention, the learned Special Government Pleader submitted that the order passed by this Court directing the respondents to complete the departmental enquiry within two months on day-to-day basis was received belatedly. However, repeated notices of enquiry, dated 27.07.2015, 18.08.2015, 04.09.2015 and 18.09.2015 were issued, but the petitioner has not come forward to co-operate with the departmental proceedings as ordered by this Court. Therefore, the petitioner has to blame himself, but not the department and co-operate with this enquiry to come to an end.

7. In reply, the learned counsel for the petitioner submitted that every time, the petitioner on receipt of the afore-mentioned summons obeyed and appeared, but the Enquiry Officer is not expeditious in conducting the enquiry. Therefore, the time limit given by this Court has not been complied with, hence, the charge memo cannot be allowed to proceed. But this Court is not able to



find any merits in the submission made by the learned counsel for the petitioner.

8. As rightly pointed out by the learned Special Government Pleader, the respondents immediately after receipt of the order passed by this Court, directing them to complete the enquiry on day-to-day basis has been conducting the departmental proceedings, however, due to certain bonafide reasons, some of the witnesses are not promptly appearing for completion of the evidence. Therefore, considering the peculiar facts and circumstances of the case, this Court directs the respondents to complete the enquiry as ordered by this Court on day-to-day basis within a period of two months from the date of receipt of a copy of this order.

9. The Writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

ps

To

1.The Inspector General of Registration,
100, Santhome Highway,Santhome, Chennai.

2.The District Registrar,
O/o.District Registrar Office,
Railway Feeder Road, Tenkasi,Tirunelveli District.

3.The Enquiry Officer & District Registrar,
Kanyakumari @ Nagercoil, Kanyakumari District.

+one cc to The Special Government Pleader in SR.No. 59769

CSL/SKS-RR/27.11.2015

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