

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2016

CORAM

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.13194 of 2016

and W.M.P.Nos.11562 and 11563 of 2016

A.Senthoora Pandian

... Petitioner

Vs.

The Inspector General of Registration,
R.A.Puram,
Chennai - 600 028.

... Respondent

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records and quash the charge memo issued by the respondent to the petitioner dated 17.11.2015 vide Memo No.19531/V-1/2015 as being invalid in law.

For Petitioner : Ms.Nithyaesh Natraj

For Respondents: Mr.R.Vijayakumar,
Addl.Govt.Pleader

O R D E R

Learned counsel appearing for the petitioner challenged the correctness of the charge memo dated 17.11.2015 by heavily contending before this Court that for extraneous reasons and only in order to deny the promotional avenues of the petitioner to the higher post, the charge memo was issued belatedly and at the time when the petitioner is expecting promotion. Therefore, the impugned charge memo is liable to be interfered with. Adding further, he would submit that though the first part of the charge against the petitioner that he has not sent the document bearing Regn.No.4551 of 2012 as the executant has not followed the requisite market value of the property conveyed therein, may be true, the second part of the charge shows that he has not sent the document to the District Revenue Officer (Stamp), Chennai in order to determine the value of the property under Section 47A(1) of the Indian Stamp Act till 28.2.2013 for nearly a year.

2. Heard the learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice for respondent.

3. The charge memo issued against the petitioner needs a detailed explanation from the petitioner. In that view of the matter, this Court is not inclined to entertain the writ petition as prima facie it shows that the petitioner has taken nearly one year to send the document to the District Revenue Officer (Stamp) Chennai to determine the value of the property under Section 47A(1). The explanation offered by the learned counsel for the petitioner shows that hundreds of documents registered by him could not be immediately returned to the owners of the documents. This explanation has to be considered by the disciplinary authority, whether really on the date of registration, there were more than hundreds of documents pending. Therefore, this Court sitting under Article 226 of the Constitution of India may not be in a position to get into the disputed and complex questions of fact.

4. Learned counsel for petitioner sought for a time frame to complete the Enquiry since the petitioner has already submitted his explanation and the Enquiry Officer has also been appointed on the ground that the explanation is not satisfactory.

5. Considering the submission made by the learned counsel for the petitioner, the respondent is directed to complete the enquiry on merits initiated against the petitioner within a period of five months from the date of receipt of a copy of this order.

6. With the said observation, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

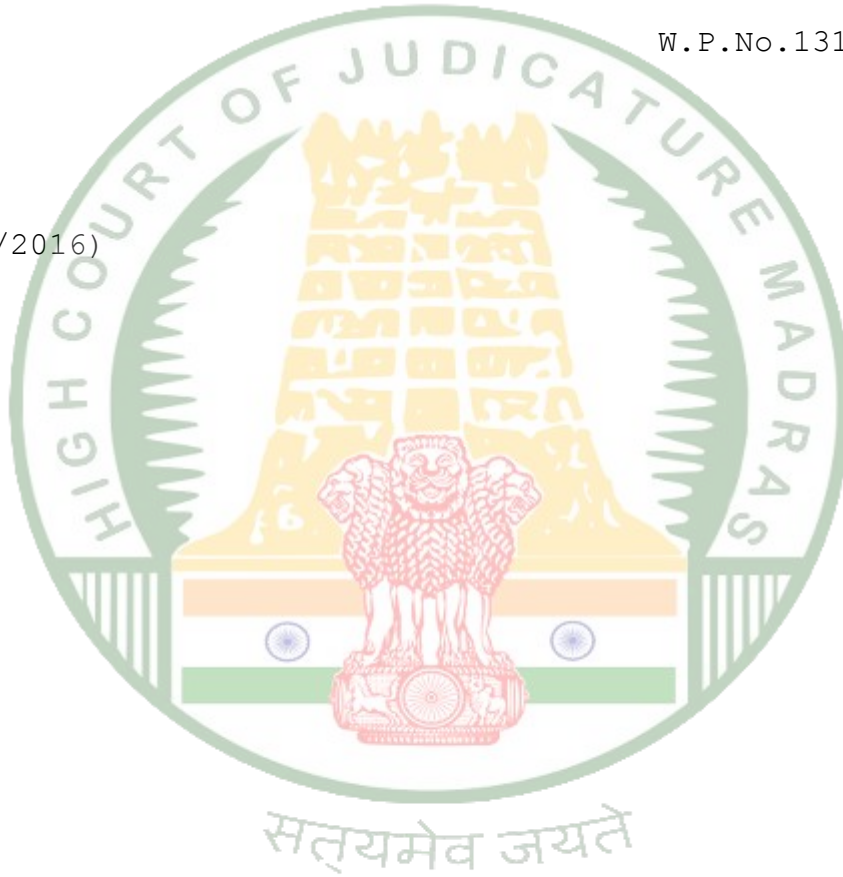
To

The Inspector General of Registration,
R.A.Puram,
Chennai - 600 028.

+1cc to M/S.Nithyaesh Natraj, Advocate sr.22843
+1cc to the Government Pleader Sr.22750

W.P.No.13194 of 2016

gj II(CO)
srg(27/05/2016)



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