

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.26264 of 2016

Pon.Lakshmanan

.. Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by the Principal Secretary
to the Government,
Commercial Taxes and
Registration Department,
Fort St. George, Chennai - 600 009.
2. The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai - 600 004.
3. The Additional Inspector General of
Registration,
Santhome High Road,
Mylapore, Chennai - 600 004.
4. Mrs.Suddha Mallaya,
Deputy Inspector General of Registration,
Rajaji Salai,
Chennai - 600 001.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records in the impugned letter No.2958/H/2016-1 dated 15.03.2016 of the 1st respondent and quash the same and consequently, direct the 1st respondent to take action against the officers concerned on the petitioner's letter dated 04.03.2016 for the huge loss to the exchequer and issue suitable instructions to his subordinate officers to follow the guidelines and prevent such loss in future.

For Petitioner : Mr.D.Ravindranathan

For R1 to R3 : Mr.A.Kumar,
Special Government Pleader

ORDER

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. Originally, the petitioner joined in the Public Works Department under the Government of Tamil Nadu as a Civil Engineer and after rendering 33 years of service, he retired from service as a Special Chief Engineer in the same Department.

3. According to the petitioner, he made a detailed complaint to the first respondent with regard to the Registration Department stating that registration has been done at a low rate contrary to the guidelines fixed by the Government and the guidelines have not been followed.

4. The grievance of the petitioner is that though he has made a detailed complaint on 04.03.2016 to the first respondent, the same should have been investigated by the 1st respondent, but, instead of doing so, the first respondent issued a letter dated 15.03.2016 to the petitioner calling upon him to appear for enquiry on 24.03.2016 and to give all the details.

5. According to him, the first respondent, after receiving the complaint, has to investigate the same, but, it has not been done so. Furthermore, the first respondent issued the letter calling upon the petitioner to appear for enquiry and to put forth his case.

6. The learned Special Government Pleader would contend that after receiving the complaint, the first respondent issued a letter dated 15.03.2016, calling upon the petitioner to appear before him on 24.03.2016. In spite of the same, the petitioner has not appeared before the first respondent. Normally, the Department, after receiving a complaint, calls for the person, who gave the complaint, to give further details to ascertain as to whether the concerned person is the correct person. Therefore, the complainant is bound to appear before the first respondent to put forth his case and he could not challenge the same.

7. No doubt, the summon cannot be challenged by the petitioner and here, the petitioner, being the complainant, is well aware of the facts. Therefore, the summon has been issued by the first respondent to the petitioner calling upon him to appear-in-person to give further details to ascertain the case.

8. Therefore, this Court does not find any reasons to interfere with the impugned order. The petitioner could not avoid the appearance since he is the complainant.

9. However, the learned counsel appearing for the petitioner submits that the petitioner always is ready to appear before the

first respondent for enquiry on a particular date, when he is called for enquiry.

10. In view of the same, the authority concerned is directed to fix the next hearing date and on that day, the petitioner shall appear before the respondent concerned and give all the details. It is made clear that on such clarification and getting the details from the petitioner, the respondent concerned shall investigate the same, as expeditiously as possible.

11. With the above direction, the present writ petition is disposed of. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Principal Secretary to the Government,
Commercial Taxes and Registration Department,
Fort St. George, Chennai - 600 009.
2. The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai - 600 004.
3. The Additional Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai - 600 004.
4. The Deputy Inspector General of Registration,
Rajai Salai, Chennai.

+1 cc to Mr.D.Ravindranathan, advocate, sr.42745

+1 cc to Govt.Pleader, sr.43073

scd(co)
krd 17/8

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