

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.333 of 2016 &
M.P.Nos.241 & 242 of 2016

R.Rajendran

... PETITIONER

Vs

1 The District Collector
Thiruvarur District,
Thiruvarur

2 The Enquiry Officer/Secretary
District Panchayat Office Thiruvarur

3 The Assistant Director
(Panchayats) Collectorate Thiruvarur

4 The Commissioner/Block
Development Officer Needamangalam Block
Needamangalam

... RESPONDENTS

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of certiorari to call for the records relating to the second respondent in Na.Ka.No. 554/2015/A1/(ma.Oo) dated 31.12.2015 to quash the same.

For Petitioner : Mr.L.Chandrakumar

For Respondents :Mr.R.Rajeswaran
Spl.Govt. Pleader

O R D E R

Heard Mr.L.Chandrakumar, learned Counsel appearing for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader who accepts notice for the respondents and with their consent the Writ Petition is taken up for final disposal.

2.The petitioner who is an elected President is aggrieved by the notice issued by the second respondent dated 31.12.2015, in and by which the petitioner has been directed to appear before the second respondent on 11.01.2016 and to produce necessary documents.

3.The allegation in the notice is that the petitioner has been convicted in a criminal case. The petitioner would contend that as against the conviction, he has filed an Appeal before the Principal District and Sessions Judge, Thiruvarur in Criminal Appeal No.14 of 2014 and the Appellate Court by Judgment dated 01.12.2015, has set aside the conviction and sentence imposed on the petitioner and the fine which was paid by the petitioner was directed to be refunded. The petitioner would state that copy of the Judgment has been handed over to the second respondent. However, there is no proof to establish the said statement.

4.In any event, since the impugned proceedings is only a notice, on the ground raised, the same cannot be quashed. However, the second respondent cannot proceed further without considering the order of acquittal passed by the Principal District and Sessions Judge, Thiruvarur in Crl.Appeal No.14 of 2014.

5.In that view of the matter, there will be a direction to the petitioner to appear before the second respondent on 11.01.2016 and produce the copy of the Judgment in Crl.Appeal No.14 of 2014 dated 01.12.2015 and on considering the same, the second respondent shall pass orders in accordance with law.

The Writ Petition is disposed of with the above observations. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

To

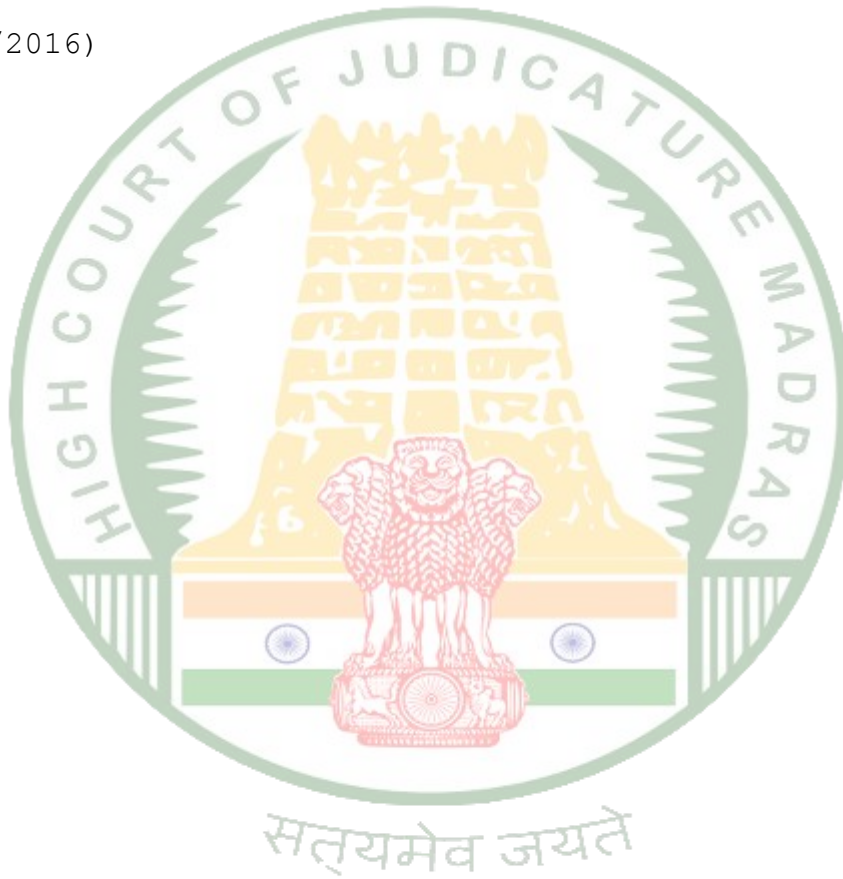
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Needamangalam

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.1165

W.P. No.333 of 2016

kji (CO)
srg (08/01/2016)



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