

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.5789 of 2016
and WMP.No.5127 of 2016

N.Manogaran ... Petitioner

.Vs.

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Revenue Divisional Officer,
Chengalpattu,
Kancheepuram District. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the entire records in pursuant to the Charge Memo issued to the petitioner, vide Na.Ka.27841/2015/A3, dated 14.01.2016, by the 1st respondent and quash the same.

For petitioner : Mr.T.P.Prabakaran

For Respondents : Mr.Chinnadurai,
Government Advocate

ORDER

This petition has been filed by Mr.N.Manogaran, challenging the verdict of the Charge Memo dated 14.01.2016, issued by the 1st respondent /District Collector, Kancheepuram District, directing the petitioner to submit his explanation within a period of 15 days from the date of receipt of the Charge Memo, on various grounds.

2.The learned counsel appearing for the petitioner would submit that only on the basis of the complaint given by the 2nd respondent/Revenue Divisional Officer, Chengalpattu, to the 1st respondent stating that 13 bundles of sarees and dhoties were illegally found at Chengalpattu Town Fish Market Shop, belonging to one Sri Srinivasan and they were seized in front of the Village Administrative Officer-Sri Logu, Revenue Inspector-Sri

Shidhar, and Guduvanchery Zonal Deputy Tahsildar-Velmurugan and subsequently, handed over to the police. The police, after conducting petition enquiry, has found that there is no merit in the said complaint and closed the same. Therefore, the issuance of Charge Memo dated 14.01.2016 by the 1st respondent is unwarranted and sought for this Court to quash the same. But, this Court is not able to entertain this Writ Petition with regard to the challenge made in the impugned Charge Memo, for the reason that the petitioner has been given 15 days time to submit his explanation to the Charge Memo. The petitioner cannot come to this Court without giving any explanation to the said Charge Memo. It is well settled by this Court that on the issuance of Charge Memo, no Court shall interfere with the enquiry, for the reason that after giving his explanation to the Charge Memo, the Disciplinary Authority may sometimes come forward to drop the same, if they are satisfied with the explanation. Therefore, this Court is not inclined to entertain this Writ Petition.

3.Hence, the petitioner is directed to give his explanation within a period of 15 days from the date of receipt of a copy of this order. It is open to the petitioner to raise all the defence in the explanation.

Accordingly, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

mps

To

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Revenue Divisional Officer,
Chengalpattu,
Kancheepuram District.

1 cc to Mr.T.P. Prabhakaran, Advocate, Sr. 10117
1 cc to Government Pleader, Sr. 10252

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KGK (CO)
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