

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2017

CORAM

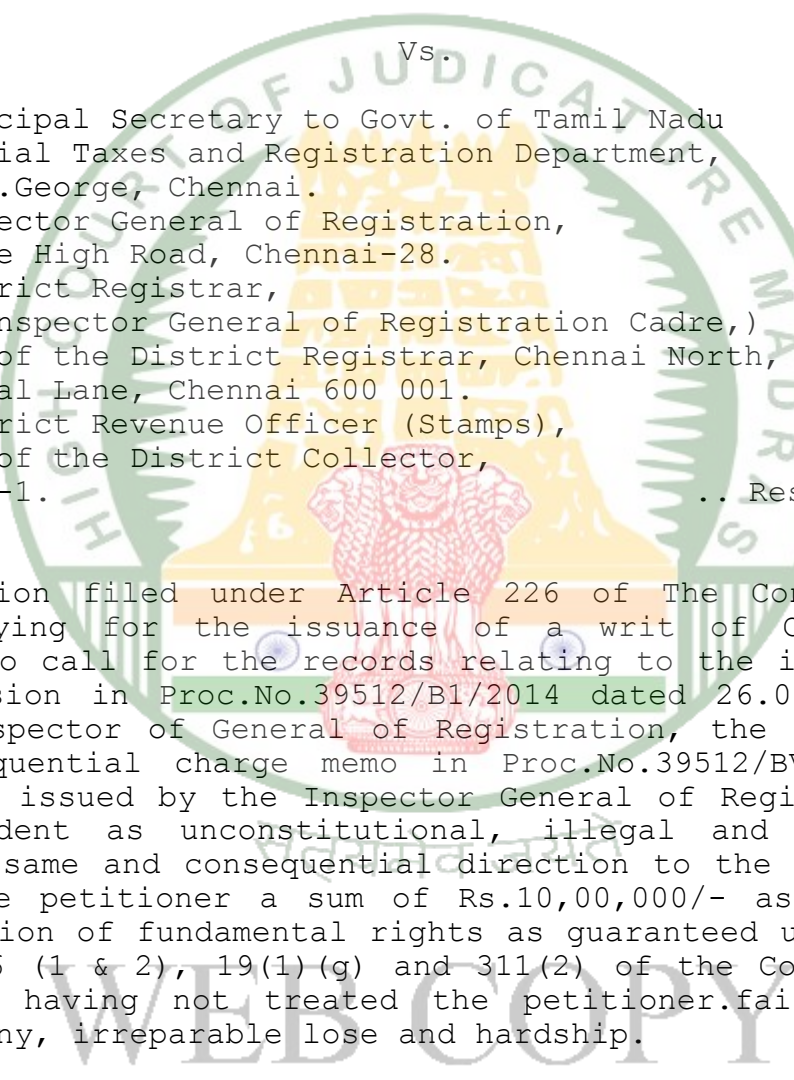
THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.25036 of 2014
and M.P.Nos.1 and 2 of 2014

E.V.Parthasarathi

.. Petitioner

Vs.

- 1.The Principal Secretary to Govt. of Tamil Nadu
Commercial Taxes and Registration Department,
Fort St.George, Chennai.
 - 2.The Inspector General of Registration,
Santhome High Road, Chennai-28.
 - 3.The District Registrar,
(Asst.Inspector General of Registration Cadre,) 
Office of the District Registrar, Chennai North,
Murthigal Lane, Chennai 600 001.
 - 4.The District Revenue Officer (Stamps),
Office of the District Collector,
Chennai-1.
- ... Respondents

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 relating to the impugned order of suspension in Proc.No.39512/B1/2014 dated 26.08.2014 passed by the Inspector of General of Registration, the 2nd respondent and consequential charge memo in Proc.No.39512/BV1/2014 dated 03.09.2014 issued by the Inspector General of Registration, the 2nd respondent as unconstitutional, illegal and unlawful and quash the same and consequential direction to the 2nd respondent to pay the petitioner a sum of Rs.10,00,000/- as compensation for violation of fundamental rights as guaranteed under Articles 14, 15, 16 (1 & 2), 19(1)(g) and 311(2) of the Constitution of India for having not treated the petitioner.fairly, and for mental agony, irreparable lose and hardship.

For Petitioner .. Mr.S.Sathya Narayanan

For Respondents .. Mr.T.M.Pappiah,
Spl. Govt. Pleader

ORDER

The present writ petition has been filed, challenging the suspension order dated 26.08.2014 and the consequential charge memo dated 03.09.2014 and for a direction to the 2nd respondent to pay the petitioner a sum of Rs.10,00,000/- as compensation.

2. When the matter is taken up for hearing, the learned counsel appearing for the petitioner would submit that there are no sufficient allegations for issuing a charge memo against the petitioner and the entire facts which gave rise to issue of charge memo and suspension order are without any basis. The learned counsel attempted to draw the attention of this Court to various factual aspects which form the basis for issuance of suspension order and consequential charge memo. However, this Court while dealing with the charge memo cannot be drawn into the factual controversy as that would be enlarging the scope of jurisdiction of this Court under Article 226 of the Constitution of India. It is always open to the petitioner to participate in the departmental enquiry and prove his innocence. Instead of participating in the departmental enquiry, the petitioner has approached this Court at a premature stage and obtained an order of interim stay of disciplinary proceedings.

3. This Court, while considering the facts and circumstances of the case does not appreciate the attitude of the petitioner who not only is challenging the order of suspension and the charge memo, but he has also prayed for compensation of Rs.10,00,000/- for violation of fundamental rights and various provisions of the constitution. The Prayer is not only misconceived and the same is also preposterous as no fundamental rights can be said to have been violated. The petitioner cannot shy away from participating in the departmental enquiry. Even otherwise, this Court does not find any merit in the contention raised by the learned counsel appearing for the petitioner for interfering with either charge memo or suspension order issued by the second respondent.

4. This Court takes strong exception to the manner in which, the suspension order and the charge memo is put to challenge and also the consequential prayer seeking for compensation of Rs.10,00,000/- without any factual or legal basis.

5. In the facts and circumstances of the case, this Court is of the view that the entire writ petition is devoid of merits and the same has to be dismissed insofar as it challenge the charge memo and suspension orders are concerned. While dismissing the writ petition, this Court has taken into

consideration, the consequential prayer sought for by the petitioner alleging violation of fundamental rights and seeking compensation of Rs.1,00,000/- payable to him. Such prayer is completely out of reach and not warranted at all.

6. Though this Court is of the view that exemplary cost ought to be imposed on the petitioner for invoking the jurisdiction of this court to untenable grounds, but however, refraining from imposing cost, considering the fact that this Court had chosen to admit the writ petition and granted interim orders.

7. In the upshot, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1. The Principal Secretary,
Commercial Taxes and Registration Department,
Fort St.George, Chennai.
2. The Inspector General of Registration,
Santhome High Road, Chennai-28.
3. The District Registrar,
(Asst.Inspector General of Registration Cadre,)
Office of the District Registrar, Chennai North,
Murthigal Lane, Chennai 600 001.
4. The District Revenue Officer (Stamps),
Office of the District Collector,
Chennai-1.

+ 1 cc to M/s.S.Sathiya Narayanan, Advocate,SR.53896
+ 1 cc to The Govt.Pleader, SR.53304

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SJ(CO)
NR 23/08/2017