

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6232 of 2013

M.P.No.1 of 2013

K.Muralidharan

...Petitioner

/versus/

1. The District Collector,
Collectorate,
Namakkal.
2. The District Revenue Officer,
Namakkal.
3. The Special Tahsildar,
Natham Land Revenue Scheme,
Tiruchengode.

...Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari, or order or direction in the nature of Writ, calling for records relating to the first respondent vide proceedings No.Roc.No.24047/2009/A3 dated 28.02.2013, and to quash the same.

For Petitioner : Mr.S.Vijayakumar

For R1 and R3 : Mr.K.DhanaJeyan (SGP)

O R D E R

The present Writ Petition is filed, challenging the notice issued by the first respondent in Proceeding dated 28th February, 2013 directing the writ petitioner to submit his explanations with regard to the conviction on a criminal charge under Section 384 of IPC awarded by the Judicial Magistrate Court, Tiruchengode in C.C.No.363 of 2005 dated 9th July, 2009.

2. The learned counsel appearing for the petitioner submitted that while ordering conviction, the writ petitioner was levied with a fine of Rs.1000/-, in default sentenced to simple imprisonment for one week. As against the order of conviction, the writ petitioner preferred a Criminal Appeal in CrI.A.No.54 of 2009 and the order of conviction was confirmed by

the learned Principal Sessions Judge, Namakkal on 9th October 2009.

3. Challenging both the orders, the writ petitioner filed CrI.R.C.No.126 of 2014 and this Court allowed the said Criminal Revision Petition on 4th November 2016 and the order of conviction was set aside and the fine paid by the writ petitioner was also directed to be returned. Hence, according to the learned counsel for the petitioner the notice issued by the first respondent under Rule 17(c)(i)(1) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, lapses in view of the said order passed by this Court in Criminal Revision Petition.

4. Further, the learned counsel appearing for the petitioner represents that the writ petitioner was allowed to retire from service pursuant to the order of the District Revenue Officer, Namakkal dated 28th March 2017.

5. As far as the impugned notice issued under Rule 17(c)(i)(1) is concerned, the same is liable to be quashed on account of the Judgment rendered in Criminal Revision Petition.

6. In view of these facts, the writ petition deserves consideration and accordingly the impugned notice issued by the first respondent in Proceeding No.24047/2009/A3 dated 28.02.2013 is quashed and the writ petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

सत्यमेव जयते

rna

To

1. The District Collector,
Collectorate,
Namakkal.
2. The District Revenue Officer,
Namakkal.

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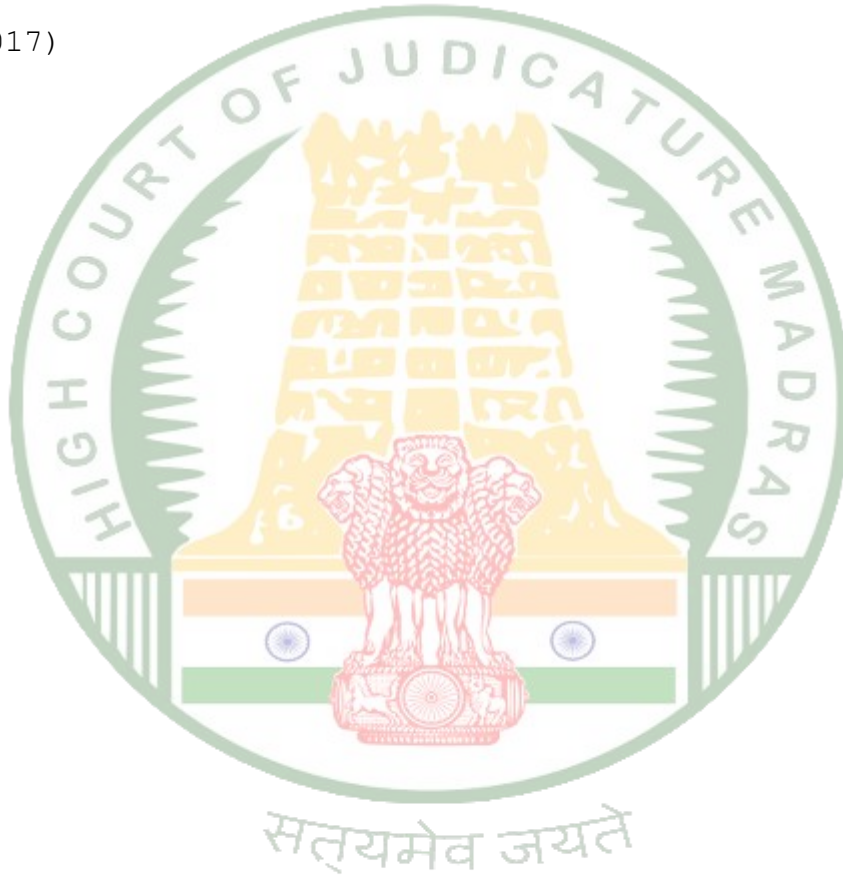
3. The Special Tahsildar,
Natham Land Revenue Scheme,
Tiruchengode.

+1cc to Mr.S.Vijayakumar, Advocate Sr. 36827

+1cc to the Government Pleader Sr. 36966

W.P.No.6232 of 2013
and M.P.No.1 of 2013

NM(CO)
VR(17/5/2017)



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