

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-06-2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.37864 of 2003

K.S.Swaminathan

.. Petitioner

vs.

1.Inspector of Panchayats/
The District Collector,
Thiruchirappalli.

2.The Block Development Officer (Panchayat),
Thiruvarampur & Post,
Thiruchirappalli-14.

.. Respondents

This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records relating to the impugned proceedings of the first respondent in Na.Ka.A2/871/03 dated 8.8.2003 and quash the same.

For Petitioner : Mr.V.Selvaraj

ORDER

The challenge in this writ petition is a charge memo, dated 8th August 2003, issued by the first respondent-District Collector.

2. The writ petitioner was a President of Keezhakalkandar Kottai Panchayat in Tiruchirappalli District and in respect of certain allegations, the District Collector issued a charge memo on 8th August 2003, regarding alleged irregularities committed by the writ petitioner, while dealing with the purchase of goods for the Panchayat.

3. In view of the fact that the very charge memo itself is under challenge, this Court is not inclined to consider the writ petition and it is for the writ petitioner to offer his explanations/representations to the first respondent and thereafter, the first respondent, considering the same and after conducting proper enquiry, has to pass orders on the charge memo initiated against the writ petitioner.

4. Normally, writ petition against the charge memo cannot be entertained by this Court unless such charge memo was issued by an Authority without any jurisdiction or competency or allegation of mala fides are attributed against the authority issued the charge memo. Even in the case of raising the plea of mala fides, the writ petitioner, necessarily, has to implead the authority in person in the writ proceedings.

5. In the absence of any of these grounds, the writ cannot be entertained against the charge memo. Such being the legal principle, this Court is not inclined to consider the other grounds raised by the writ petitioner in this writ petition and it is for the Competent Authority to conduct proper enquiry on receipt of the explanation and pass orders on the proceedings. In view of this, the writ petition stands dismissed, however, there shall be no order as to costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

Svn

To

1.Inspector of Panchayats/
The District Collector,
Thiruchirappalli.

2.The Block Development Officer (Panchayat),
Thiruvarampur & Post,
Thiruchirappalli-14.

+1cc to Government Pleader sr.45904

ss(6/7/2017)

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