



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) .No.6443 of 2017 and
W.M.P. (MD) No.5069 of 2017**

T.Gowri

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Principal Secretary/
Commissioner of Commercial Taxes,
Office of the Commissioner of Commercial Taxes,
Ezhilagan, Chepauk, Chennai - 600 005.

2. The Deputy Commissioner (CT) (Enf.)
Office of the Deputy Commissioner (CT) (Enf.),
Vilupuram.

3. The Inspector of Police,
Vigilance and Anti-Corruption,
Thoothukudi.

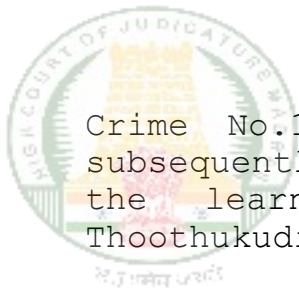
.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to defer the departmental proceedings in Charge Memo Ref. No.E2/36999/2015, dated 07.01.2016, on the file of the first respondent, till the disposal of the criminal case initiated in Crime No.11 of 2015 on the file of the third respondent and subsequently, charge sheeted in the Special Case No.7 of 2016 before the learned Chief Judicial Magistrate cum Special Judge, Thoothukudi.

For Petitioner	: Mr.S.Louis for Mr.T.Lajapathi Roy
For Respondents	: Mr.V.Pandi, Government Advocate.

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the first respondent to defer the departmental proceedings in Charge Memo Ref. No.E2/36999/2015, dated 07.01.2016, on the file of the first respondent, till the disposal of the criminal case initiated in



Crime No.11 of 2015 on the file of the third respondent and subsequently, charge sheeted in the Special Case No.7 of 2016 before the learned Chief Judicial Magistrate cum Special Judge, Thoothukudi.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. Mr.V.Pandi, learned Government Advocate, takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

4. Though the Writ petition is filed for issuing a Writ of Mandamus seeking a positive direction to the first respondent to defer the departmental proceedings in Charge Memo Ref. No.E2/36999/2015, dated 07.01.2016, on the file of the first respondent, till the disposal of the criminal case initiated in Crime No.11 of 2015 on the file of the third respondent and subsequently, charge sheeted in the Special Case No.7 of 2016 before the learned Chief Judicial Magistrate cum Special Judge, Thoothukudi, the learned counsel for the petitioner submit that the petitioner will be satisfied if a direction is issued to the first respondent to consider the representation of the petitioner, dated 28.03.2017 within the time stipulated by this Court.

5. Considering the limited scope of the prayer now sought for by the learned counsel for the petitioner before this Court, without expressing any opinion on the merits of the matter, this Court is inclined to issue the following direction:-

"The first respondent is directed to consider the representation of the petitioner, dated 28.03.2017, and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order."

6. Accordingly, the Writ petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The State of Tamil Nadu,
Represented by the Principal Secretary/
Commissioner of Commercial Taxes,
Office of the Commissioner of Commercial Taxes,
Ezhilagan, Chepauk, Chennai - 600 005.



2. The Deputy Commissioner (CT) (Enf.)
Office of the Deputy Commissioner (CT) (Enf.),
Vilupuram.

3. The Inspector of Police,
Vigilance and Anti-Corruption,
Thoothukudi.

+1 CC to MR.T.LAJAPATHI ROY, Advocate, SR No. 51598

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No. 51750

PMU

PSM/KP/SAR3/24.04.2017/3P/6C

ORDER MADE IN
W.P. (MD) .No.6443 of 2017 and
W.M.P. (MD) No.5069 of 2017
11.04.2017