



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2018

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.18750 of 2018

and

W.M.P.(MD)No.16587 of 2018

P.Pandi

.. Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Adi Dravide Welfare Officer,
District Collector Office,
Madurai - 625 020.

3.The Assistant Director of Survey and Land Records,
and Personal Assistant to the Collector (Survey),
Madurai - 625 020. .. Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records with regard to Roc.54/5247/2018 dated 13.08.2018 on the file of the third respondent and directing the respondents to reinstate the petitioner within the time frame to be fixed by this Court.

For Petitioner : Mr.J.Parekhkumar

For Respondents : Mr.R.Sethu Raman

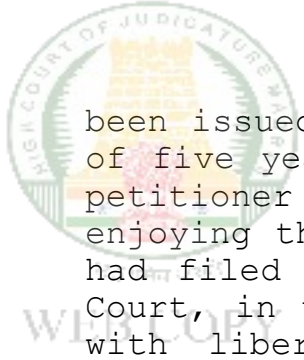
Special Government Pleader

O R D E R

The petitioner has come forward with this writ petition, for issuance of a Writ of Certiorarified Mandamus, calling for the entire records with regard to Roc.54/5247/2018 dated 13.08.2018 on the file of the third respondent and directing the respondents to reinstate the petitioner within the time frame to be fixed by this Court.

2. Mr.R.Sethu Raman, Special Government Pleader takes notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, the petitioner is working as Field Assistant under the third respondent from 1994 and he was regularised in the year 2007. In the year 1996, the Government of Tamil Nadu had granted patta to nine persons under the Special Natham Scheme and one of the beneficiaries is his mother. Patta has



been issued in the name of the petitioner's mother. After a period of five years, she executed four settlement deeds in favour of the petitioner and his brother and sisters. The petitioner had been enjoying the house property till now. In the meanwhile, one Deepam had filed a writ petition in W.P.(MD)No.2652 of 2011 before this Court, in which, this Court had disposed of the said writ petition with liberty to the said Deepam to challenge the patta. The petitioner had also filed a suit in O.S.No.328 of 2015 before the learned District Munsif, Melur, and the suit was decreed in favour of the petitioner.

4. On being so, the third respondent issued a show cause notice to the petitioner seeking explanation for the lapses and the petitioner sent a detailed reply. Without considering the explanation of the petitioner, the third respondent passed an impugned order dated 13.08.2018 suspending him from service. Challenging the same, the petitioner is before this Court.

5. Heard the learned counsel appearing for the petitioner and the respondents.

6. The only contention of the respondents is that the land belongs to the Government and the petitioner has encroached the land. Whether the Patta is a forged one or not and the same cannot be gone into in the present writ petition.

7. The petitioner will have to face the charges, if any framed. It is needless to mention that it is open to the respondents to revoke the suspension and proceed with the enquiry. It is for the petitioner to demolish the charges, in the event of the Management or the Department framing the charges against him for enquiry.

8. Considering the facts and circumstances of the case, the first respondent is directed to commence the enquiry, after issuing notice calling for explanation and in case, if the explanation is not found satisfactory, the respondents are directed to proceed with the departmental enquiry, if commenced, on day-to-day basis, without adjourning the case, beyond seven working days at any point of time and pass final orders thereon. The petitioner shall co-operate with the enquiry. After final orders are passed, on the basis of the charge sheet, if any framed, he can approach the Court and he cannot approach this Court intermediately at every stage of the enquiry.

8. With the above observations, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(CO)

/True copy/



To

1.The District Collector,
Madurai District.

2.The Adi Dravide Welfare Officer,
District Collector Office,
Madurai - 625 020.

3.The Assistant Director of Survey and Land Records,
and Personal Assistant to the Collector (Survey),
Madurai - 625 020.

+1cc to Mr.E.R.GURUBALA CHANDRAN,Advocate, SR.No.81076
+1cc to M/s.Special Government Pleader,SR.No. 81284

W.P. (MD) No.18750 of 2018
29.08.2018

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