



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)NO.10776 OF 2019

and

W.M.P(MD)No.8223 of 2019

V.S.T.Sahul Hameed

: Petitioner

.vs.

1. T.Abdul Khader

2. The Registrar (Administration),
Madurai Bench of Madras High Court,
Madurai.

3 .The Principal District Judge,
Tirunelveli.

4. The Chief Judicial Magistrate,
Tirunelveli.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the third respondent to take disciplinary action as against the first respondent based on the complaint/Notarized Affidavit, dated 08.02.2019

For Petitioner

: Mr.S.Saji Bino

For Respondent-1

: No appearance

For Respondents

: Mr.G.Thalaimutharasu

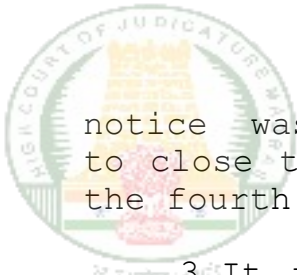
2 to 4

O R D E R

[Order of the Court was made by **K.RAVICHANDRABAABU.,J.**]

The Petitioner seeks for a mandamus directing the third respondent to take disciplinary action based on his complaint dated 8.2.2019, wherein and whereby, the Petitioner complained as if the first respondent, who is an Office Assistant at the office of the fourth respondent, is also running a grocery business parallely, which is against the Tamil Nadu Government Servants Conduct Rules, 1973.

2.Heard the learned counsel appearing for the Petitioner and the learned counsel appearing for the respondents 2 to 4. Though



notice was not yet served on the first respondent, We are inclined to close the Writ Petition going by the counter affidavit filed by the fourth respondent, as indicated below.

3. It is specifically stated by the fourth respondent that the Petitioner had preferred a complaint before the Principal District Judge, Tirunelveli for taking action against the first respondent for violation of Tamil Nadu Government Servants Conduct Rules, 1973 and the Principal District Judge, Tirunelveli had forwarded the said complaint, with a direction to conduct an enquiry and file a report. It is further stated that based on such direction issued by the Principal District Judge, Tirunelveli, the Chief Judicial Magistrate, Tirunelveli initiated an enquiry proceedings after issuing notice to the complainant and after obtaining necessary records and statements and finally closed the enquiry proceedings on the reason that the matter is pending before the Rent Controller and both parties are directed to face the case before the appropriate forum legally. It is also stated in the counter affidavit that the first respondent along with his elder paternal uncle is running the grocery shop in the premises belonging to the Petitioner for the past thirty years and after entering into Tamil Nadu Judicial service, the first respondent has not involved in the said business and the said business is run by his elder paternal uncle and his son Imran Khan and the license for running the said shop also stood in their name. Therefore, taking note of the above said facts and circumstances, the Chief Judicial Magistrate, Tirunelveli has closed the enquiry proceedings, by advising the parties concerned to face the Rent Control Proceedings legally.

4. In view of the above counter filed by the fourth respondent and more particularly, in view of the fact that the complaint filed by the Petitioner has already been enquired into and an order closing the complaint has been passed, We find nothing survives for adjudication further in this Writ Petition.

5. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

sd/
Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To

1. The Registrar (Administration),
Madurai Bench of Madras High Court,
Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>
2. The Principal District Judge,
Tirunelveli.



3. The Chief Judicial Magistrate,
Tirunelveli.

+1 CC to Mr.S.SAJI BINO, Advocate (SR-68070[F] dated 12/06/2019)

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ORDER MADE IN
W.P(MD)NO.10776 OF 2019
and
W.M.P(MD)No.8223 of 2019
10.06.2019

vsn

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