



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:05.07.2019
CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.4909 of 2015
and M.P.(MD)No.1 of 2015

WEB COPY

A.M.Syed Ahmed

... Petitioner

-vs-

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.

3.N.Sundaramoorthy

4.Swaminathan

5.S.Palanikumar

6.S.Jaishakar

7.E.Murugesan

8.M.Ganesan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings made in Na.Ka.No. A5/28215/12 dated 10.01.2014 issued by the 1st respondent and quash the same and consequently direct the 1st respondent to proceed with the disciplinary proceedings as against the delinquent officials in pursuance of the show cause notice dated 21.06.2012 issued by the 1st respondent and to conclude the same in accordance with the law within the time stipulated by this Court.

For Petitioner : Mr.D.Sadiq Raja

For Respondents : Mr.D.Muruganantham

Additional Government Pleader
(for R-1 and R-2)

ORDER

Today when the matter is taken up for hearing, Dr.R.Suman, Revenue Divisional Officer, Ramanathapuram, is present before this



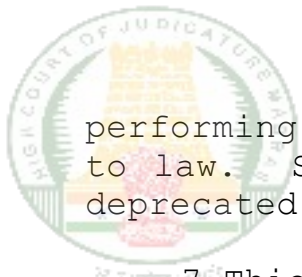
2.The order, dated 10.01.2014 closing the complaint filed by the writ petitioner for initiation of disciplinary action against the officials are under challenge in the present writ petition.

3.The learned counsel for the writ petitioner states that the complaint against the officials are serious in nature regarding the certain fraudulent activities in grant of patta in respect of the properties belongs to the writ petitioner. In spite of the fact that the allegations against the officials are serious in nature, the District Collector had closed the complaint based on the explanation submitted by the officials.

4.This Court is of the considered opinion that the District Collector on receipt of the complaint sought for the explanations from the officials concerned and on receipt of the explanation, the Collector formed an opinion and thereafter passed an order closing the complaint. Such an action of the District Collector cannot be said to be irregular. The District Collector, on receipt of such complaints against the Government servants has to identify whether there is any prima facie material available against such Government servants or not. In the absence of any clinching evidence to prosecute those officials, the District Collector is empowered to consider the explanations and close the same.

5.If at all the complainants are not satisfied with the decisions taken by the District Collector closing the complainants and if the complainants are in possession of the evidences and materials on record to establish that the officials have committed fraud or some illegality, they are at liberty to approach the competent Court of Law by filing a private complaint or by lodging a complaint whatever complaint in the manner known to law. Contrarily again and again they cannot force the Collector to conduct a repeated enquiry or to conduct the trial in respect of said complaints. The District Collectors are receiving hundreds of complaints day in and day out and they will have to enquire and identify the prima facie case against such officials. Only in the event of establishing the prima facie case, they are empowered to initiate further actions under the Discipline and Appeal Rules.

6.A trend of threatening the public officials are also being developed in the public. The public officials are to be protected and those officials must be permitted to perform their duties and responsibilities as per law. In some cases where the authorities have passed orders against such persons then they started not only accusing the officials, but also issuing false complaints against such officials in order to frighten those officials and to take vengeance. Such complaints can never be entertained. Therefore, the higher officials have to ascertain the genuinity of the complaints by identifying the veracity of the allegations, which are set out in the complaint. Contrarily every public officials are threatened in this way and they will be discouraged from



performing their duties and responsibilities in the manner known to law. Such attitude of the complainants can also sought to be deprecated.

7. This being the factum of the case, if the writ petitioner is having any materials to establish that the particular official has committed any fraud or any offence, then, they are at liberty to prosecute them in the manner known to law. However, the order of the District Collector was passed based on the explanation submitted by the officials concerned and on the basis of the fact that there is no prima facie material available on record to prosecute this officials.

8. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.side)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Collector, Ramanathapuram District, Ramanathapuram.

2. The Revenue Divisional Officer, Ramanathapuram District, Ramanathapuram.

+1cc to Mr. D. Sadiq Raja, Advocate, SR.No.74314

+1cc to the Spl. Govt. Pleader, Madurai Bench of Madras High Court, Madurai, SR.No.73911

sji/Ns
W.P. (MD) No.4909 of 2015
05.07.2019

NA (22.07.2019) 3P : 5C