



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 07.09.2020

DELIVERED ON : 09.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

WP(MD).No.6328 of 2011 and

M.P(MD).No. 2 of 2011

WEB COPY

V.Thuraiswamy

.. Petitioner

Vs.

1.The Commissioner of Revenue Administration,
Ezhilagam, Chennai-5.

2.The District Revenue Officer,
Kanyakumari District,
Nagercoil.

3. The Revenue Divisional Officer,
Nagercoil.

4. The Tahsildar,
Thovalai Taluk,
Boothapandy,
Kanyakumari District.

5. The Special Tahsildar / Enquiry Officer,
Thovalai Taluk,
Boothapandy, Kanyakumari District.

6. The Revenue Inspector,
Azhagiapandiapuram Firka,
Kanyakumari District.

7. The Assistant Director of Mines and Minerals,
Collectorate Campus,
Nagercoil.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the order of the first respondent vide பண்ணி 5(1)/45228/2009 dated 13.07.2010 confirming the order passed by the second respondent vide அ3/23300/08 dated 15.04.2009, which in turn confirmed the order passed by the third respondent vide எண்ணி.அ6-9398/2006 dated 20.12.2007 quash the same.

For petitioner

: Mr. C.T.Perumal

For Respondents

: Mr. J. Gunaseelan Muthiah

Additional Government Pleader



ORDER

This Writ Petition has been filed in the year 2011 still in the admission stage. The petitioner has taken a several adjournments for 9 years. Even before me, he has taken more than three adjournments.

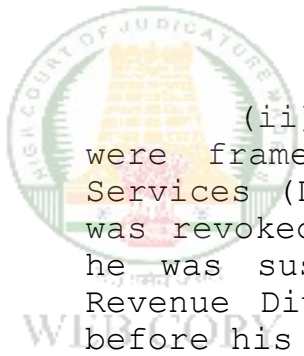
2. The petitioner was dismissed from service on proving of the charges from the post of Village Administrative Officer. In the domestic enquiry, the disciplinary authority as well as appellate authority have rejected the contention of the petitioner and hence, the present Writ Petition.

3. Counter filed by the respondents.

4. The main charge with which the petitioner stands for the enquiry is that one of the person was encroached upon two acres of Government land and also committed stone quarry. However, the petitioner has suppressed the same. During the enquiry it was found that he wantonly supported the unauthorized encroacher and not cooperated for the implementation of the Special scheme of distribution of 2 acres of land to landless agriculturists.

5. The necessary facts that are required for the disposal of the Writ Petition as follows:

(i) The writ petitioner V.Thuraiswamy was working as a Village Administrative Officer, Arumanalloor Village. He was entrusted with some urgent works in connection with the time bounds work of selection of suitable Government waste lands under Special Scheme of distribution of 2 acres of land to landless agricultural families in Arumanalloor village. On 02.12.2006, the Revenue Divisional Officer, Nagarcoil and Tahsildar, Thovalai Taluk along with survey staff visited Arumanalloor Village office and enquired about the selection of the Government Poramboke lands. It was noticed by the Revenue Divisional Officer, Nagercoil and Tahsildar, Thovalai Taluk that the land in R.S.No.399, having an extent of 3.59.5 Hectares classified as U.A.W.D land is under the encroachment of one Jeyaraj, S/o. Jerold and that V.Duraiswamy, the Village Administrative Officer wantonly concealed the fact of encroachment by Jeyaraj in R.S.No.399 of Arumanalloor Village and construction of 3 houses in the said land and annexed it to his patta land in R.S.No.396 and 400 and illegally quarried stone from the Government poramboke land in R.S.No.399. The Revenue Divisional Officer and Tahsildar have also noted that the said Village Administrative Officer supported the encroacher and acted against the Government interest and caused hindrance for the implementation of Special Scheme of distribution of 2 acres of land to landless agriculturists. Hence, the Revenue Divisional Officer, Nagercoil suspended the said Village Administrative Officer under sub rule (e) of Rule 17 of the Tamil Nadu Civil Services (Discipline and Appeal Rules).



(ii) Based on the report of the Tahsildar, Thoivalai charges were framed against him under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules. Later, the suspension order was revoked by the Revenue Divisional Officer on 25.01.2007. Again, he was suspended and not permitted to retire from service vide Revenue Divisional Officer order No.A6/9398/2006 dated 29.01.2007, before his superannuation period ended on 31.01.2007.

(iii) The Enquiry Officer had submitted her report on 19.07.2007 after conducting enquiry.

(iv) Based on the Enquiry Officer's Report and personal enquiry conducted by Revenue Divisional Officer, Nagercoil, the said Village Administrative Officer was dismissed from service on the ground that all the charges leveled against him were proved beyond any doubt.

6. Both the Appeal and the Revision filed by the petitioner were dismissed and hence, this Writ Petition.

7. The written argument filed by the petitioner.

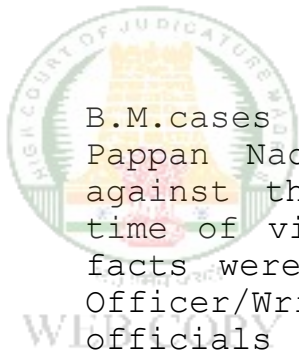
8. The specific charge against the petitioner herein is that during the time of inspection of Revenue Divisional Officer, Tahsildar along with survey staff on 02.12.2006 for selection of suitable Government waste lands under special scheme distribution of 2 acres of land to landless agriculturists, the Village Administrative Officer / Writ Petitioner failed to report the fact of encroachment of Government land in R.S.No.399 by J.Jeyaraj, S/o. Jerold and annexed it with his patta land in R.S.No.396 and 400 and constructed 3 buildings and illegally quarried large quantities of stone and transported from the said Government lands. The Village Administrative Officer had wantonly concealed the fact of encroachment by J.Jeyaraj and acted against the Government interest and caused hindrance to the implementation of special scheme of distribution of 2 acres of land to landless agriculturists.

9. It is no doubt that during the time of inspection of Revenue Divisional Officer, Nagercoil, Tahsildar, Thoivalai along with survey staff on 02.12.2006 for the selection of suitable Government lands for distribution under 2 acres Special Scheme to landless agriculturists of Arumanalloor Village, the Writ Petitioner acted as Village Administrative Officer.

10. The report dated 19.11.2005 submitted that the Petitioner herein to the higher authorities was vague and it contained only about the stone quarried without obtaining permission from the Government.

11. The main grievance of the petitioner is that he has taken steps to inform the alleged encroachment. However he has not produced any iota to that effect.

12. As to the charge frame, the Enquiry Officer Tmt.Vasanthy, Special Tahsildar (SSS) Thoivalai was appointed as Inquiry Officer. The Inquiry Officer in her report dated 19.07.2007 had reported that



B.M.cases was already booked against Tvl.Kalep, Meylerum Perumal, Pappan Nadar and Ponnusamy Nadar. But no B.M cases was booked against the un-authorized encroacher, J.Jeyaraj, then during the time of visit of officials in the said places on 02.12.2006, the facts were suppressed and concealed by the Village Administrative Officer/Writ Petitioner wantonly and not cooperated with the officials for the implementation of the Special Scheme of distribution of 2 acres of land to landless agriculturists. She also reported that all the charges leveled against Village Administrative Officer / Writ Petitioner was proved beyond any doubts. Hence, based on records from office, enquiry and the behaviour of the Village Administrative Officer who did not co-operate with the Revenue Divisional Officer had passed final orders (i.e) dismissing the Village Administrative Officer / Writ Petitioner vide Revenue Divisional Officer No.A6/9398/2006 dated 20.12.2007.

13. After going through the report of the Enquiry Officer, the charges are framed and held to be proved.

14. Taking into consideration, the nature of the work assigned to the petitioner herein and the factum that he had suppressed the encroachment of the land by the said Jeyaraj which was came to knowledge during the inspection of the Revenue Divisional Officer and thus I find that the charges were framed against him only for the inaction and non co-operation with the officials in implementing the said Special Scheme and for concealing of facts of un-authorized encroachments of Jeyaraj in R.S.No.399 which was eligible for the distribution of 2 acres of land to landless agriculturists and wantonly supported the encroacher Jeyaraj.

15. In the absence of the any procedural irregularity in conducting of the Enquiry by the Enquiry Officer and on the factum that the charges are proved to the preponderance of the probabilities based upon the Inspection Report submitted by the Revenue Divisional Officer, I find that there is no illegality in the order of dismissal passed by the Government.

16. Hence, in this view of the matter, this Writ Petition is dismissed. No costs. Consequently, connected M.P is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Commissioner of Revenue Administration,
Ezhilagam, Chennai-5.

<https://hcservices.ecourts.gov.in/hcservices/>



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Collectorate Campus,
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+1 CC to M/s.C.T.PERUMAL, Advocate (SR-21540[F] dated 09/11/2020)

+1 CC to SGP (SR-21721[F] dated 10/11/2020)

ORDER MADE IN
WP(MD).No.6328 of 2011

09.11.2020

NR (18/12/2020) 5P : 10C