



WEB COPY

WP(MD)No.18307 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.12.2020

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD) No.18307 of 2020

and

W.M.P.(MD) No.15289 of 2020

Rajaboopathi

... Petitioner

Vs

1.The District Collector,
Ramanathapuram District.

2.The Commissioner,
Panchayat Union,
Nainar Kovil,
Ramanathapuram District.

3.The Deputy Block Development Officer
(Nutritious Scheme),
Nainar Kovil,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of suspension passed by the 1st respondent in Na.Ka.PNU1/22955/2017 dated 10.08.2017 and quash the same and consequently direct the respondents to grant all the benefits during the period of suspension.

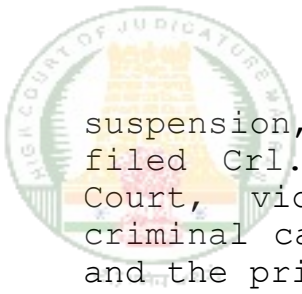
For Petitioner	:	Mr.S.Ramasamy
For Respondents	:	Mr.M.Jeyakumar Government Advocate

ORDER

Challenging the impugned order of suspension passed by the 1st respondent in Na.Ka.PNU1/22955/2017, dated 10.08.2017 and to direct the respondents to grant all the benefits during the period of suspension to the petitioner, the present writ petition has been filed.

2.By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner would submit that initially a case in Cr.No.33 of 2017 on the file of the Inspector of Police, Nainar Kovil Police Station, Ramanathapuram District, has been filed as against the petitioner and on the basis of the aforesaid criminal case, the petitioner was placed under



suspension, vide order dated 10.08.2017. Thereafter, the petitioner filed Crl.O.P.(MD) No.11177 of 2017 before this Court and this Court, vide order dated 24.08.2017 has quashed the aforesaid criminal case, due to the compromise entered between the petitioner and the private party.

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4.The learned counsel would further submit that subsequent to the order of this Court, dated 24.08.2017, whereby, a case in Cr.No.33 of 2017 has been quashed, the petitioner has made representations, dated 09.10.2018 and 07.06.2019 to the 2nd respondent seeking to revoke the order of suspension, dated 10.08.2017, but so far no action has been taken. Hence, challenging the impugned order of suspension, dated 10.08.2017, the petitioner is before this Court.

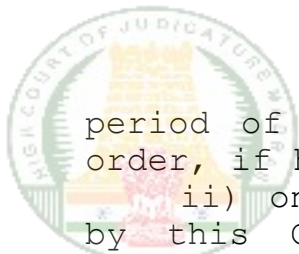
5.Though the writ petition is filed for a larger relief seeking issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of suspension passed by the 1st respondent in Na.Ka.PNU1/22955/2017, dated 10.08.2017 and quash the same and consequently for a direction to the respondents to grant all the benefits during the period of suspension, the learned counsel appearing for the petitioner in the course of his argument, restricted the relief for issuing a direction to the 2nd respondent to consider and pass appropriate orders on the petitioner's representations, dated 09.10.2018 and 07.06.2019, since the case in Cr.No.33 of 2017 filed as against the petitioner has been quashed by this Court in Crl.O.P.(MD) No.11177 of 2017, vide order dated 24.08.2017, due to the compromise entered between the petitioner and the private party.

6.In reply, Mr.M.Jeyakumar, learned Additional Government Pleader appearing for the respondents would submit that P.A., to the District Collector, Ramanathapuram District, who has not impleaded as a party in this writ petition, is the competent authority for revocation of the order of suspension, dated 10.08.2017. He would further submit that if the petitioner submits a fresh representation to the P.A., to the District Collector, Ramanathapuram District, explaining his grievance, the same will be disposed of on merits and in accordance with law.

7.The learned counsel appearing for the petitioner has also agreed with the submission made by the learned Additional Government Pleader appearing for the respondents.

8.In view of the submission made by the learned counsel on either side, this Court is inclined to pass the following directions:-

i) it is open to the petitioner to make a fresh representation to the P.A., to the District Collector, Ramanathapuram District for revocation of the order of suspension, dated 10.08.2017, within a



period of two weeks from the date of receipt of a copy of this order, if he is so advised; and

ii) on receipt of such representation within the time granted by this Court, if any, the P.A., to the District Collector, Ramanathapuram District, shall consider the same and pass appropriate orders, by taking into consideration of the order passed in Crl.O.P.(MD) No.11177 of 2017, wherein, a case in Cr.No.33 of 2017 filed as against the petitioner has been quashed by this Court, vide order dated 24.08.2017, due to the compromise entered between the petitioner and the private party, within a period of eight weeks therefrom;

9. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector, Ramanathapuram District.

2. The Commissioner, Panchayat Union, Nainar Kovil,
Ramanathapuram District.

3. The Deputy Block Development Officer (Nutritious Scheme),
Nainar Kovil, Ramanathapuram District.

Copy To:- The P.A. to the District Collector, Ramanathapuram District.

+1 CC to Special Government Pleader SR.No.25424.

W.P. (MD) No.18307 of 2020

11.12.2020

AP(05/01/2021) 3P 6C

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