



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

WP(MD).No.14119 of 2014 and

M.P(MD).No.1 of 2014

WEB COPY

I. Karuthapandi

: Petitioner

Vs.

The District Collector,
Ramanthapuram District,
Ramanathapuram.

: Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the respondent in Na.Ka.No. Va5/12532/2013, dated 08.08.2014 and quash the same.

For petitioner

: Mr. M. Siddharthan

For Respondent

: Mr. D. Muruganantham

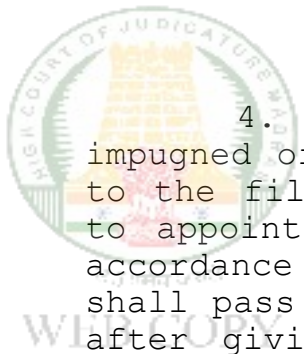
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the impugned order passed by the respondent in Na.Ka.No.Va5/12532/2013, dated 08.08.2014.

2. The learned counsel appearing for the petitioner submitted that without giving due opportunity of hearing to the petitioner, the enquiry has been completed and the petitioner has been punished. Similarly placed person by name S. Dhanasekaran, filed a Writ Petition in W.P(MD).No.13948 of 2014 and the same was allowed by this Court on 19.07.2018 by setting aside the impugned order and remitting the matter back to the respondent therein to pass order afresh following the principles of natural justice and affording due opportunity of hearing to the petitioner. As against the said order, the respondent / Government has filed W.A(MD).No.1384 of 2019 and a Division Bench of this Court by order, dated 29.11.2019 confirmed the order of the learned Single Judge.

3. On perusal of the orders passed by this Court and also the records produced by the petitioner, I find that both the cases are similar in nature and the petitioner is a similarly placed person. Even in this case also there is no proper enquiry conducted and sufficient opportunity has been given to the petitioner and hence, following the decision of this Court referred to supra I am inclined to allow this Writ Petition.



4. Accordingly, this Writ Petition is allowed and the impugned order is hereby set aside and the matter is remitted back to the file of the respondent. The respondent herein is directed to appoint a fresh enquiry officer by following the procedure in accordance with law, and after completion of enquiry the respondent shall pass fresh orders on merits and in accordance with law after giving due opportunity of hearing to the petitioner. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Cr1.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

trp

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

The District Collector,
Ramanthapuram District,
Ramanathapuram.

WP(MD).No.14119 of 2014 and
M.P(MD).No.1 of 2014
20.07.2020

AP (30.07.2020) 2P-2C