

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.03.2021

CORAM :
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7804 of 2021

M.Gunasekaran

... Petitioner

Vs.

1. The Additional Director,
Survey and Land Records Department,
Survey House,
Chepakkam, Chennai 5.
2. The Zonal Deputy Director,
Survey and Land Records Department,
Coimbatore - 18.
3. The Assistant Director,
District Survey and Land Office,
Dharmapuri, Dharmapuri District.
4. The State of Tamil Nadu,
rep. by its Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
5. G.Senthilkumar ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, to call for the records of the 3rd Respondent herein, Na.Ka.G.5/773/2021, dated 08.03.2021 and quash the same.

For Petitioner : Mr.A.Ilayaperumal

For Respondents 1 to 4 : Mr.P.Raja,
Government Advocate

O R D E R

Challenging the order dated 08.03.2021 passed by the 3rd Respondent herein vide Na.Ka.G.5/773/2021, Petitioner has come up with the present Writ Petition.

2. According to the Petitioner, there is a civil dispute between him and the 5th Respondent herein and that, based on a false allegation, Charge Memo dated 08.03.2021 has been issued to him. It is the case of the Petitioner that, the said Charge Memo requires interference, as the official Respondents have no right to proceed against him for a private dispute.

3. Learned counsel for the Petitioner submitted that, the Petitioner was not at all arrested and hence, the Charge Memo has to be interfered with. When this Court posed a question to the learned counsel for the Petitioner to explain the meaning of the words 'கைது செய்யப்பட்டு பிணையில் வந்துள்ள நிலையில்' as could be seen in Annexure-1 of the Charge Memo dated 08.03.2021, learned counsel submitted that, the Petitioner had the benefit of bail and that, he discharged his work thereafter.

4. The contention of the learned counsel for the Petitioner that, the Petitioner was not at all arrested could not be accepted, as bail could be granted to a person, only if he/she is arrested and put behind the bars. Hence, this Court is of the view that, the Charge Memo dated 08.03.2021 issued by the competent Authority is not contrary to the provisions of law and the same does not require interference.

5. In view of the foregoing, this Court directs the 3rd Respondent herein to proceed with the enquiry against the Petitioner on a day-to-day basis, without adjourning the matter beyond seven working days at any point of time, in order to bring the issue to a logical end. The Petitioner shall co-operate with the enquiry and shall not stall the same till final orders are passed.

6. It is made clear that, a copy of the documents that are going to be relied on by the Respondents in the domestic enquiry shall be furnished to the Petitioner.

The Writ Petition is dismissed with the above direction and observation. No costs. Consequently, connected W.M.P.No.8332 of 2021 is closed.

sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Additional Director,
Survey and Land Records Department,
Survey House,
Chepakkam, Chennai 5.
2. The Zonal Deputy Director,
Survey and Land Records Department,
Coimbatore - 18.
3. The Assistant Director,
District Survey and Land Office,
Dharmapuri, Dharmapuri District.
4. The Inspector of Police,
State of Tamil Nadu,
Karimangalam Police Station,
Dharmapuri District.

+1cc to Mr.A.Ilayaperumal , Advocate SR.No. 19768

W.P.No.7804 of 2021

A.SK(29.04.2021)



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