



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.18604 of 2021

A.Muthulakshmi

... Petitioner

Vs.

- 1.The Commissioner,
HR & CE,
119, Uthamar Gandhi Road,
Thousand Lights West,
Nungambakkam, Chennai.
 - 2.The Joint Commissioner,
HR & CE,
Room No.1, 2, New Commercial Complex 1st Floor,
Cotton Market, Complex Road,
Tiruppur - 641 604.
 - 3.The Deputy Commissioner,
HR & CE,
Room No.1, 2, New Commercial Complex 1st Floor,
Cotton Market, Complex Road,
Tiruppur.
 - 4.The Assistant Commissioner,
HR & CE,
11AD, Saminathapuram 1st Cross Street,
Karur-1.
 - 5.The Executive Officer,
Arulmigu Kalyana Pasubatheeswaran Tirukovil,
Karur.
 - 6.Tiruppathi Venkatesan,
Night Watchman,
Arulmigu Kalyana Pasubatheeswaran Tirukovil,
Karur.
- ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the respondents no. 1 to 4 to take action on the fifth



respondent for looting the gifted silver ornaments by considering the petitioner's representation dated 27.07.2021 and 20.08.2021.

For Petitioner : Mr.R.Balakrishnan

For R-1 to R-4 : Mr.K.S.Selva Ganesan,
Counsel for State.

For R-5 : Mr.P.Athimoolapandian

ORDER

The petitioner seeks a direction to respondents 1 to 4 to take action against the fifth and sixth respondents for allegedly misappropriating silver ornaments which were donated by the petitioner.

2. The petitioner states that she gifted silver ornaments owned by her, as evidenced by the receipt issued by, *inter alia*, the Executive Officer on 10.08.2021. The petitioner alleges that the issuance of the receipt was considerably delayed. She also states that the silver ornaments may have been misappropriated by the sixth respondent and that the fifth respondent has also not taken effective action in such regard.

3. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of respondents 1 to 4. On instructions, he submits that an inquiry was undertaken by the Executive Officer and that such inquiry was concluded. Mr.P.Athimoolapandian, learned counsel, accepts notice on behalf of the fifth respondent. He submits that the Executive Officer is in custody of the silver ornaments and that the inquiry was initially conducted by the fourth respondent, who authorized the fifth respondent to proceed further with such inquiry. On that basis, the fifth respondent proceeded with the inquiry.

4. The affidavit in support of the Writ Petition discloses that the allegations are not only against the sixth respondent but also against the fifth respondent. Consequently, the inquiry into such allegations should not be conducted by the fifth respondent. Instead, such inquiry should be conducted by the fourth respondent. For purposes of this proceeding, it is not necessary to enter any findings on the merits. Therefore, notice to the sixth respondent is dispensed with.

5. Accordingly, W.P(MD).No.18604 of 2021 is disposed of by directing the fourth respondent to conduct an inquiry into the allegations made by the petitioner and conclude such inquiry by issuing a reasoned order within a period of three (3) months from the date of receipt of a copy of this order. Before concluding such inquiry, a reasonable opportunity shall be provided to the



petitioner and the fifth and sixth respondents herein. There will be no order as to costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

tsg/lm

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 Commissioner,
HR & CE,
119, Uthamar Gandhi Road,
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- 2.The Joint Commissioner,
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- 3.The Deputy Commissioner,
HR & CE,
Room No.1, 2, New Commercial Complex 1st Floor,
Cotton Market, Complex Road, Tiruppur.
- 4.The Assistant Commissioner,
HR & CE,
11AD, Saminathapuram 1st Cross Street,Karur-1.
- 5.The Executive Officer,
Arulmigu Kalyana Pasubatheeswaran Tirukovil,Karur.

+1 CC to M/s.R.BALAKRISHNAN, Advocate(SR-32532[F] dated 26/10/2021)

+1 CC to M/s.SPL.GP (SR-32377[F] dated 25/10/2021)

W.P(MD)No.18604 of 2021

22.10.2021

MGJ/JC(02.11.2021) 3P 8C