

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.7190 of 2015

M.Sadasivam.

... Petitioner

.Vs.

1. The Secretary to Government,
Revenue Department, Fort.St.George,
Chennai 600 009.
2. The Principal Commissioner,
Revenue Administration, Chepauk,
Chennai 600 005.
3. The District Collector,
Erode District, Erode.
4. Mr.Gunasekaran,
Revenue Divisional Officer,
Erode, Erode District.
(Now working as District Supply Officer,
Tanjore, Tanjore District)

5. M.Natarajan.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 to consider and pass orders on merits by disposing the written representation made by the petitioner on 27.01.2015 and the same was received by them on 06.02.2015 through Personnel and Administrative Reforms Department within a stipulated time as this Hon'ble Court fixes.

For Petitioner : Mr.C.Prakasam.

For Respondents: Mr.K.Tippu Sulthan,
Government Advocate for R1 to R3

No appearance for R4

Mr.T.Murugamanickam for R5

O R D E R

This writ petition was filed for the issue of the writ of Mandamus directing first and second respondent to dispose of the representation made by the petitioner on 27.01.2015 and to initiate disciplinary proceedings against 4th respondent.

2. Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.K.Tippu Sulthan, learned Government Advocate for respondents 1 to 3 and Mr.T.Murugamanickam, learned counsel for the 5th respondent.

3. The main grievance of the petitioner against the 4th respondent pertains to order passed by the 4th respondent on 19.09.2014. According to the petitioner, order dated 19.09.2014 was illegal and hence representation was made to the 1st and 2nd respondents to take action against the 4th respondent.

4. The order dated 19.09.2014 became the subject matter of challenge in W.P.No.27444 of 2014 and this Court by an order dated 02.11.2021 set aside the said order and the matter was remanded back to the file of the present incumbent who is holding the post of the Revenue Divisional Officer.

5. In view of this development, the petitioner has to necessarily await for the fresh orders to be passed by the Revenue Divisional Officer in line with the directions issued by this Court in W.P.No.27444 of 2014. Till this event takes place, the 1st and 2nd respondents cannot parallelly initiate proceedings against the earlier incumbent who was holding the post of Revenue Divisional Officer. The petitioner shall await the final decision of the Revenue Divisional Officer, Erode District after remand and depending upon the result of the case, it will be left open to the petitioner to work out his remedy in the manner known to law.

6. This writ petition is disposed of in the above terms. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

nsa

To

1. The Secretary to Government,
Revenue Department, Fort.St.George,
Chennai 600 009.
2. The Principal Commissioner,
Revenue Administration, Chepauk,
Chennai 600 005.
3. The District Collector,
Erode District, Erode.

+1cc to M/s.Zeenath Begum, Advocate, S.R.No.38899

+1cc to the Government Pleader, S.R.No.39441

W.P.No.7190 of 2015

SJ(CO)
UMA(14/07/2022)