



W.P.No.34119 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2022

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.34119 of 2022
and
W.M.P.No.33591 of 2022

K.Selvam

... Petitioner

Vs.

1.The Inspector General of Registration,
I.G.Registration Office,
100, Santhome High Road,
Chennai - 600 028.

2.Enquiry Officer,
District Registrar (Admin),
Chidambaram,
Tamil Nadu.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the enquiry report dated 02.09.2022 passed by the second respondent relating to charge memo bearing memo No.11624/B2/2021 and quash the same and consequently directing the first respondent not to take any further action on the basis of the impugned enquiry report.



WEB COPY



W.P.No.34119 of 2022

For Petitioner : Mr.V.Meenakshi Sundaram
For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader

ORDER

The petitioner has challenged the enquiry report dated 02.09.2022 submitted by the second respondent relating to a charge memo dated 31.01.2022.

2. Earlier, the petitioner had filed a Writ Petition in W.P.No.29687 of 2022 involving the very same subject matter and in the said Writ Petition, he had sought for a direction to the second respondent to conduct a free and fair enquiry by giving fair opportunity to the petitioner to examine the witness sought for by him.

3. By order dated 10.11.2022, this Court disposed of the Writ Petition and permitted the petitioner to raise whatever contentions that have been raised in the said Writ Petition in his reply to be sent to the show cause notice dated 11.10.2022 which has been received by him pursuant to the enquiry report dated 13.09.2022. The second respondent (Enquiry Officer) was directed to consider the contentions of the petitioner, found in his reply



to the show cause notice dated 11.10.2022, on merits and in accordance with law.

4. The petitioner has also sent a reply on 17.11.2022 to the show cause notice dated 11.10.2022 pursuant to the directions given by this Court in the earlier Writ Petition on 10.11.2022. Even before final orders could be passed after giving due consideration to the petitioner's contentions as found in his reply dated 17.11.2022, the petitioner has once again filed this Writ Petition prematurely. The petitioner has been charged under the Sexual Harassment Act based on a complaint. Pursuant to the said complaint, the said enquiry has been conducted by the second respondent. Even when the petitioner had filed the earlier Writ Petition in W.P.No.29687 of 2022, the enquiry report was very much available. However, in this Writ Petition, the petitioner has challenged the enquiry report dated 13.09.2022 submitted by the second respondent, only now.

5. The main grievance of the petitioner was that he was not afforded a fair hearing by the second respondent (Enquiry Officer). The interest of the petitioner has been fully protected by orders of this Court dated 10.11.2022



WEB COPY

passed in W.P.No.29687 of 2022 wherein a direction was issued to the second respondents to afford a fair hearing to the petitioner as well as to consider the petitioner's reply to the show cause notice dated 11.10.2022 on merits and in accordance with law and only thereafter to pass final orders. The question of filing another Writ Petition, when the petitioner has been adequately protected by the earlier order dated 10.11.2022 in W.P.No.29687 of 2022, will not arise due to the aforementioned reasons. If at all, the petitioner is aggrieved by the final order passed by the respondents, his remedy is only to file an appropriate Appeal as against the said final order.

6. Learned Additional Government Pleader appearing for the respondents would also submit that the petitioner has been afforded a fair hearing by the second respondent (Enquiry Officer) in the enquiry proceedings. He has been infact called upon to attend a personal hearing on 22.12.2022 at 11.30 a.m. He would submit that the petitioner can very well participate in the personal hearing and state his grievance with regard to the conduct of the enquiry proceedings.



W.P.No.34119 of 2022

7. Learned counsel for the petitioner on instructions would submit that the petitioner is willing to participate in the personal hearing being afforded to him on 22.12.2022 by the enquiry officer at 11.30 a.m. The said undertaking given by the petitioner is recorded by this Court. Since the petitioner has approached this Court prematurely and despite the fact that this Court had protected the interest of the petitioner by directing the second respondent (Enquiry Officer) to afford a fair hearing to him, this Court is of the considered view that the present Writ Petition is not maintainable.

8. For the foregoing reasons, there is no merit in this Writ Petition. Accordingly, this Writ Petition is dismissed. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

21.12.2022

Index : Yes/No
Speaking Order : Yes / No
ab



W.P.No.34119 of 2022

To
WEB COPY

1.The Inspector General of Registration,
I.G.Registration Office,
100, Santhome High Road,
Chennai - 600 028.

2.Enquiry Officer,
District Registrar (Admin),
Chidambaram,
Tamil Nadu.



WEB COPY



W.P.No.34119 of 2022

ABDUL QUDDHOSE. J.,

ab

W.P.No.34119 of 2022

21.12.2022