



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.01.2022**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P. (MD)No.2282 of 2018

and

W.M.P. (MD)No.2495 of 2018 & 17012 of 2019

WEB COPY

K.Murugan

...Petitioner

/Vs./

The Chief Engineer,
Office of the Engineer-in-Chief (Buildings),
Chief Engineer (Buildings),
Chennai Region & Chief Engineer (General),
Public Works Department,
Chepauk, Chennai - 600 005.

...Respondent

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the respondent Charge Memo.No.CII(1)/00150/2016-10 dated 15.09.2017 and quash the same.

For Petitioner : Mr.S.I.Muthiah

For Respondent : Mr.A.K.Manikkam
Special Government Pleader

ORDER

The challenge is to a charge memo dated 15.09.2017 that has been issued to the petitioner on the ground that he had no authority to permit the desilting of Bramanankulam tank in Kezha vellanadu Village of Thoothukudi District.

2.Though the learned counsel for the petitioner would make an attempt to state that it was a tank belonging to the Public Works Department (PWD) and that the permission to desilt, which has admittedly been given by the petitioner, was based upon the request of the Forest Officer, Thiruvaigundam, the contention raised by the petitioner is repelled by the respondent, who submits that he had no such authority, whether the tank came under the purview of PWD or the Panchayat Union.

3.Since the proceedings are at the stage of charge memo which is nascent, I find this writ petition premature. Petitioner is permitted to give an explanation to the charge memo and upon receipt thereof, he shall be heard, the report of the enquiry officer prepared and further proceedings taken up in accordance with law.



4.All contentions are left open to be agitated before the enquiry officer and the authorities, if the occasion arises and an outer timeframe of eight weeks is fixed for this purpose. This writ petition is disposed as above. There is no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Chief Engineer,
Office of the Engineer-in-Chief (Buildings),
Chief Engineer (Buildings),
Chennai Region & Chief Engineer (General),
Public Works Department, Chepauk, Chennai - 600 005.

+1 CC to M/s.SPL.GP (SR-2575[F] dated 27/01/2022)

+1 CC to M/s.K.C.MANIYARASU, Advocate (SR-2899[F] dated 28/01/2022)

W.P. (MD)No.2282 of 2018

Dated:

25.01.2022

RK(07/02/2022) 2P 4C