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W.P.(MD)NO.21392 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.21392 of 2022

S.Mydeen Pattani (under suspension),
Tahsildar,
Tiruvenkadam Taluk,
Tenkasi District.

... Petitioner

Vs.

1. The District Collector,
Tenkasi, Tenkasi District.

2. The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Sankarankovil,
Virudhunagar District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 12.08.2022 for revocation of suspension order issued by the 1st respondent in his proceedings in ROC. A1/10479/2022 dated 11.05.2022 within the period that may be stipulated by this Court.

For Petitioner : Mr.A.Nawaz Khan,
for M/s.Ajmal Associates.

For Respondents: Mr.R.Suresh Kumar,
Additional Government Pleader.

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ORDER

Heard the learned counsel on either side.

2. The petitioner has been suspended vide order dated 11.05.2022 passed by the District Collector, Tenkasi. The petitioner submitted representation and he wants this Court to direct the authority to consider the said representation for revocation.

3. In normal circumstances, this Court would readily issue a direction for directing consideration of such representations. This is because in the very nature of things, the order of suspension will have to be reviewed periodically. But the said principle will not apply in vigilance cases. The petitioner was implicated as accused No.1 in Crime No.1 of 2022 registered on the file of Vigilance and Anti Corruption Tenkasi Detachment, Tenkasi, for the offence under Section 7(a) of the Prevention of Corruption Act 1988.



4. Of course the learned counsel appearing for the petitioner would strongly contend that there was no recovery effected from the writ petitioner during the trap. Be that as it may, the fact remains that the petitioner was arrested and he is facing prosecution for vigilance case. In these circumstances, it would not be appropriate for the Court to direct the first respondent to consider the petitioner's representation. The petitioner can move this Court only when he obtains relief in the criminal case or the suspension becomes a prolonged one.

5. With this liberty to move this Court again at the appropriate time, this writ petition stands dismissed. The Inspector of Police, Vigilance and Anti Corruption Tenkasi Detachment, Tenkasi, is directed to expedite the filing of final report in Crime No.1 of 2022. No costs.

03.11.2022

Index : Yes / No
Internet : Yes/ No

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G.R.SWAMINATHAN,J.

PMU

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