



W.P.No.11378 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.11378 of 2021
and W.M.P.Nos.19927 of 2021

A.Ramakrishnan

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Petitioner

/vs/

1. The Chief Secretary,
Government of Tamilnadu,
Fort St. George, Chennai – 9.

2. The Secretary,
Government of Tamilnadu,
Revenue & Disaster Management Department,
Fort St. George, Chennai – 9.

3. The Commissioner / Director,
Survey and Settlement Department,
'Survey House', Chepauk,
Chennai – 600 005.

4. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
TNPSC Road, Broadway,
Chennai – 600 003.

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Respondents



W.P.No.11378 of 2021

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorafied mandamus to call for the records in connection with the order of punishment passed by the second respondent vide G.O.(1D) No.359 Revenue (S.S.3(1)) Department dated 08.10.2013 and the order passed in review petition vide G.O.(1D) No.269 Revenue (S.S3(1)) Department dated 18.06.2015 and order passed in review petition vide G.O.(1D) No.38 Revenue & Disaster Management Department, Survey & Settlement wing, Survey and Settlement 3(1) section dated 23.01.2020 and quash the same and consequently direct the first and second respondents to notionally promote the petitioner as Additional Director of Survey & Settlement and refix the seniority above the petitioner's junior C.P.Radhakrishnan retired as Additional Director of Survey & Settlement, with all monetary benefits and all attendant, pensionary benefits and other flowing there from.

For Petitioner ... Mr.G.Sankaran
Senior Counsel
for Mr.M.Habeeb Rahman

For Respondents ... Mr.T.Chezhiyan
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the order of punishment passed by the second respondent vide order dated 08.10.2013, the order passed in review petition dated 18.06.2015 and the order passed in review petition



W.P.No.11378 of 2021

dated 23.01.2019 and consequently direct the first and second respondents to notionally promote the petitioner as Additional Director of Survey & Settlement and refix the seniority with monetary benefits, attendant benefits and pensionary benefits.

2.The petitioner was charged for the offence that he had reclassified the Government Poromboke lands as Ryotwari patta lands and issued patta to a private person without any authority. Disciplinary proceedings has been initiated against the petitioner and he has been charged with stoppage of increment with cumulative effect for four months. The petitioner challenged above said punishment by way of filing a review and the same was rejected. Earlier the petitioner filed a Writ Petition in W.P.No.5994 of 2014 by challenging the order of punishment. In the said writ petition the petitioner was given with a liberty to file a review petition before the first respondent. The review petition filed and it was also rejected and the punishment imposed against the petitioner was confirmed.

3. Mr.G.Sankaran, the learned Senior Counsel for the petitioner,



W.P.No.11378 of 2021

submitted that though the lands are Ryotwari lands and as held by the judgment of this Court in W.A.No.694 of 2010 dated 08.04.2010, charges have been wrongly framed against the petitioner and he was found fault for none of his failure; the petitioner has to pass an order only in compliance of the earlier orders of this Court dated 13.06.2008 made in W.P.No.13807 of 2008 and order dated 22.04.2009 made in W.P.No.30052 of 2008; the petitioner has passed the order based on the inspection report and that he had acted only in a bona fide manner and that was overruled by the disciplinary authorities.

4. Mr.T.Chezhiyan, the learned Additional Government Pleader, submitted that the petitioner has got nothing to do with reclassification or issuance of patta which are exclusively within the jurisdiction of Jurisdictional Tahsildar and the Revenue Officials; the petitioner being the Assistant Director of Survey and Land Records had unnecessarily meddled with the issue and made an order by usurping the powers of the other authorities.

5. The whole background for the action which resulted in punishment was on the assumption that the lands are Government land and not Ryotwari



W.P.No.11378 of 2021

lands. But, the above assumption is contrary to the observation made in the judgment in W.A.No.694 of 2010. For the sake of clarity, the relevant paragraph of the said judgment is extracted hereunder:

“ .. 3. The appellant has filed a parallel writ petition in this Court, being W.P.No.25257 of 2009, wherein also a similar prayer has been made. The appellant, who is the petitioner in that writ petition, has therein relied upon a letter dated 28.08.2008 sent by the District Revenue Officer-cum-Public Information Officer to the first respondent-Association, which states that Survey Nos.18 and 50 of the said village belong to the Corporation of Chennai. The Corporation of Chennai has filed a counter affidavit through its Commissioner and in paragraph 4 thereof, it is stated that both these survey numbers are ryotwari patta lands. It is stated that those lands are not handed over to the Corporation of Chennai.”

6. If the disciplinary authority has overlooked the above important fact and proceeded to punish the petitioner without taking into consideration of the essential and fundamental facts involved in the matter, no prejudice would have caused to the petitioner. Since the disciplinary authorities did not consider the essential facts about the classification of the land which resulted in the disciplinary proceedings initiated against the petitioner, I feel it is appropriate for the second respondent to consider the same in the light of the judgment passed in W.A.No.694 of 2010 dated 08.04.2010 and pass an order afresh within a stipulated time.



W.P.No.11378 of 2021

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7. Accordingly, this Writ Petition is disposed and the impugned order passed by the second respondent vide G.O.(1D) No.359 Revenue (S.S.3(1)) Department dated 08.10.2013, the order passed in review petition vide G.O.(1D) No.269 Revenue (S.S3(1)) Department dated 18.06.2015 and order passed in review petition vide G.O.(1D) No.38 Revenue & Disaster Management Department, Survey & Settlement wing, Survey and Settlement 3(1) section dated 23.01.2020 are hereby quashed and the second respondent is directed to consider the order of punishment in the light of the judgment passed in W.A.No.694 of 2010 dated 08.04.2010 and pass an order afresh within a period of eight weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

11.12.2023

Index: Yes / No

Speaking order / Non-speaking order

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W.P.No.11378 of 2021

To:

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W.P.No.11378 of 2021

R.N.MANJULA ,J.

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W.P.No.11378 of 2021

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