



W.P.No.30107 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.30107 of 2022 and
W.M.P.No.29535 of 2022

P.Dinesh

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by,
Inspector General of Registration,
100, Santhom High Road,
Chennai-600028.

2.Deputy Inspector of Registration,
Thanjavur.

3.The District Registrar, (Audit),
Nagapattinam.

4.The District Registrar, (Audit),
Thiruvarur.

5.The Sub-Registrar,
Mannargudi,
Tiruvarur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus to call for the records relating to the suspension order passed by the 2nd respondent in Proc.No.514/A/2022 dated 28.02.2022 and consequential order of rejection of representation passed by the 1st respondent in letter No.6667/V2/2022 dated 21.06.2022 and quash the same as illegal, arbitrary, and consequently direct the 1st



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respondent to reinstate the petitioner back into service (in non-sensitive post) within the time frame fixed by this Court.

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For Petitioner : Mr.P.Navaneetha Krishnan,
Senior Counsel for Mr.Pandithennavan
For Respondents : Mr.M.Alagu Gowtham,
Government Advocate

ORDER

This Writ Petition has been filed to call for the records relating to the suspension order passed by the 2nd respondent in Proc.No.514/A/2022, dated 28.02.2022 and consequential order of rejection of representation passed by the 1st respondent in letter No.6667/V2/2022, dated 21.06.2022 and quash the same as illegal, arbitrary, and consequently direct the 1st respondent to reinstate the petitioner back into service (in non-sensitive post) within the time frame fixed by this Court.

2.The case of the Writ Petitioner is that when he was working as Incharge Sub-Registrar, Mannargudi, he was placed under suspension on 28.02.2022 on the basis of the criminal case registered against him in Crime No.2 of 2012, dated 21.02.2022 on the allegations that the petitioner demanded Rs.15,000/- as illegal gratification for release of document. Based on the said FIR, the petitioner was arrested and remanded to judicial custody more than 48 days. Thereafter, the petitioner has given



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representation, dated 06.06.2021 to review the suspension order, however, the same has been rejected *vide* order, dated 21.06.2022. Challenging the same, the present petition has been filed.

3.The learned Senior Counsel appearing for the petitioner submitted that there is no material or evidence against the petitioner for the alleged demand and acceptance of illegal gratification. Further the FIR, based on which the petitioner was placed under suspension, was quashed by this Court in a detailed order, dated 25.07.2023, therefore, the very suspension of the petitioner itself cannot be sustained in the eye of law.

4.Though the counter has been filed stating that the petitioner was suspended since he was arrested by the Vigilance and Anti Corruption, Thiruvarur, it is now placed on record the order of this Court in CrI.O.P.No.14514 of 2023, wherein this Court had gone into the entire issue and found that the complaint itself is motivated without any *prima facie* materials and the Inspector of Police has commenced the discreet trap proceedings on 18.02.2022 by instructing the defacto complainant to go and meet the Sub Registrar and record the conversation discreetly and also held



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the entire trap proceeding has been organized to evade the stamp duty since the petitioner has found that there is a suppression in valuing the documents.

5.As the FIR registered against the petitioner in criminal case itself is quashed, now the respondents cannot keep the petitioner under suspension without any reason. Accordingly, the suspension order, dated 28.02.2022 passed by the 2nd respondent against the petitioner and the impugned rejection order, dated 21.06.2022 stand quashed and there shall be a direction to the respondents to reinstate the petitioner back into the service as per Rules. Accordingly, this Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

11.09.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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To



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N.SATHISH KUMAR, J.
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