



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2023

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.29322 of 2023

S.Gowtham

... Petitioner

Vs

1.The Principal Chief Conservator of Forests (HOD),
Forest Headquarters Building,
Near Kannikapuram Checkpost,
Guindy, Chennai – 600 032.

2.The Conservator of Forests (FAC),
Dharmapuri Circle,
Dharmapuri – 636 705.

3.The District Forest Officer,
Dharmapuri Division,
Near District Collectorate,
Dharmapuri – 636 705.

4.G.Palanisamy.

... Respondents

PRAYER:- This Writ has been filed under Article 226 of Constitution of India, praying for Writ of Mandamus directing the 2nd respondent herein to conduct the enquiry and consider the petitioner representation dated 20.02.2023.

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For Petitioner : Mr.C.Palanisamy
For Respondents 1 to 3 : Mr.M.Bindran
Additional Government Pleader

ORDER

This Writ Petition has been filed by the petitioner seeking for Writ of Mandamus directing the 2nd respondent herein to conduct the enquiry and consider the petitioner's representation dated 20.02.2023.

2. The case of the petitioner is that the petitioner, while studying Engineering at Jayalakshmi College of Engineering, Dharmapuri, became friend with 4th respondent and his son and their friendship continued even after his studies. While that being so, the 4th respondent and his son had borrowed money on different occasions from the petitioner, which comes to around Rs.11,00,000/- and promised to repay them. When the petitioner started to demand for the same, the 4th respondent and his son started to verbally abuse him and

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gave life threatening. Therefore, the petitioner lodged a complaint against the 4th respondent and his son before the District Superintendent of Police on 18.04.2022. The 4th respondent's son appeared before the District Crime Branch Police, Dharmapuri for questioning and admitted that he and his father borrowed money from the petitioner and also agreed to repay the same within a period of six months. Thereafter, they wrote a Brahmachari note for Rs.8,72,000/- and promised to take a chit amount or get a loan in six months, whereas, he failed to repay the same. When enquired about the 4th respondent, the petitioner came to know that the 4th respondent is in the habit of borrowing money from many other like the petitioner and cheated them by not repaying the same. There is also a case of bribery registered against the 4th respondent in F.I.R.No.5 of 2021, dated 12.01.2021. It was also revealed that the 4th respondent was an ordinary office assistant in the Forest Department. By pretending to be in a high position, the 4th respondent cheated money from other persons without obtaining permission from the Department, as per the G.O.MS.No.39,



dated 09.03.2010.

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3. Under such circumstances, the petitioner gave a representation, dated 20.02.2023 to the respondents 1 to 3 for taking appropriate departmental action against the 4th respondent for his illegal activities. The said representation was forwarded to the 2nd respondent by the 1st respondent for further action. When enquired with the office of the 2nd respondent, there was no proper reply given to the petitioner. Hence, the petitioner has come forward with the present Writ Petition seeking the aforesaid relief.

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 2nd respondent to conduct the enquiry and consider the petitioner's representation dated 20.02.2023 and pass orders on merits within a particular time frame to be fixed by

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this Court.

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5. The learned Additional Government Pleader appearing for respondents 1 to 3 has no objection for said order being passed.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. It is made clear that the petitioner has got a remedy before the competent civil Court and the petitioner cannot seek for departmental action because that is a separate proceedings, further no material has been produced before this Court other than the complaint given to the Prevention and Anti-Corruption Wing in Crime No.05/AC/2021 under Section 7(a) of Prevention of Corruption Act, 1988, which has been culminated into FIR and that the petitioner has not waited for the outcome of the said criminal proceedings under the Tamil Nadu Government Servants Conduct Rules, 1973.

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8. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the first respondent to consider the said representation of the petitioner dated 20.02.2022 and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible preferably within a period of twelve (12) weeks from the date of receipt of a copy of this order.

9. With the above observations and direction, the Writ Petition is disposed of. No costs.

10.10.2023

gba

Index : Yes/No

Speaking order : Yes/No

Neutral Citations : Yes/No

To

1. The Principal Chief Conservator of Forests (HOD),
Forest Headquarters Building,
Near Kannikapuram Checkpost,

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Guindy, Chennai – 600 032.

2.The Conservator of Forests (FAC),
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Dharmapuri – 636 705.

3.The District Forest Officer,
Dharmapuri Division,
Near District Collectorate,
Dharmapuri – 636 705.

V.BHAVANI SUBBAROYAN,J.

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