



W.A.(MD) No.1217 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A.(MD) No.1217 of 2023

and

C.M.P.(MD) No.9163 of 2023

1.The Secretary to Government
Commercial Taxes &
Registration (A2) Department
Government of Tamil Nadu
Fort St.George, Chennai-600 009

2.The Joint Commissioner (ST)
Madurai Division
Madurai District

... Appellants

-vs-

P.Santhiya

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 13.04.2023, passed in W.P.(MD) No.5911 of 2023, on the file of this Court.

For Appellants : Mr.J.Ashok
Additional Government Pleader



W.A.(MD) No.1217 of 2023

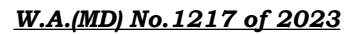
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J U D G M E N T

[Judgment of the Court was made by S.S.SUNDAR, J.]

This writ appeal is directed against the order of the learned Single Judge, dated 13.04.2023, partly allowing the writ petition in W.P.(MD) No. 5911 of 2023 filed by the respondent herein.

2. The facts are not in dispute. The respondent as required under the Conduct Rules sought for permission from the appellants to purchase the property. Though the application was submitted well before the property was acquired by the respondent, the application could be processed and an order was passed granting permission only five years later. In the meanwhile, the respondent, in order to save the property, registered the document, after paying sale consideration. However, proceedings were initiated against the delinquent for purchasing the property, without permission. Even after noting the fact that the application seeking permission was pending consideration, a punishment of censure was imposed on her by the second respondent, *vide* order dated 09.03.2023. When the said order was challenged by the respondent by filing a writ petition, having regard to the peculiar facts and circumstances of the case, the learned Single Judge held that for the misconduct alleged by the respondent, which may be technically, a punishment of censure cannot be imposed.



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