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W.P.No.5835 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.5835 of 2024
and W.M.P.Nos.6468 and 6470 of 2024

Managandhi

... Petitioner

-Vs-

1. The Superintendent Engineer,
TANGEDCO,
Thirupattur Taluk,
Thirupattur District.

2. The Executive Engineer,
TANGEDCO,
Thirupattur Taluk,
Thirupattur District.

3. The Assistant Engineer,
TANGEDCO,
Perampattu Branch,
Thirupattur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the second respondent vide Ku.Aa.No.530/Se po/E Pa/Thiru/U Ni A/Ni Me/Ni.U.1/Ko.O.Na/2023, dated 13.12.2023 and quash the same and direct the respondents to reinstate the petitioner in service with all monetary and service benefits.



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For Petitioner : Mr.R.Ramesh
For Respondents : Mr.K.Rajkumar
Standing Counsel

ORDER

This writ petition has been filed challenging the order of suspension dated 13.12.2023 passed by the second respondent.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner was appointed as Assessor on 22.11.1995 at the office of Assistant Executive Engineer, Vaniyambadi Branch. Subsequently, she was promoted to the post of Assessor Inspector and further promoted as Revenue Supervisor Assessor on 30.06.2023. While being so, due to property dispute, FIR has been registered in Crime No.681 of 2023 for the offences punishable under Sections 120B, 423, 426, 465, 468, 471 and 511 of IPC. Pursuant to the registration of FIR, the petitioner was arrested and remanded to judicial custody on 13.12.2023. Later she was released on bail on 28.12.2023. In view of the arrest, the petitioner was deemed to be suspended from service from 13.12.2023, by an order dated 13.12.2023.



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4. The property comprised in Survey Nos.347/1, 347/2, 352/2C and 353/2C to an extent of 10 acres were purchased by the petitioner's husband in the year 1978 through a public auction conducted by the Sub-Court, Thirupattur. Thereafter, patta was also transferred in favour of her husband. While being so, her husband borrowed a loan by execution of sale deed in favour of one Hariharan for security purpose, registered vide Document Nos.8496 of 2013 and 7341 of 2013. Though her husband repaid the borrowed amount, the sale deeds were not cancelled. While being so, the petitioner and her husband had settled the properties in favour of their daughter by the settlement deed registered vide Document No.5237 of 2023 on 08.09.2023. Though the petitioner's husband registered the sale deed in favour of a third party, possession was not handed over. After the settlement deed executed by the petitioner and her husband in favour of their daughter, the purchasers seek possession of the property. Therefore, the petitioner and her husband filed a suit in O.S.No.193 of 2021 seeking permanent injunction as against the purchasers. When the suit was pending, a complaint was lodged as against the petitioner and her husband and the same was registered in Crime No.681 of 2023. Therefore, in a private civil dispute between the petitioner's family and others, the petitioner was arrested and remanded to judicial custody. Now, the



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investigation is pending in Crime No.681 of 2023 on the file of the Inspector of Police, Thirupathur Taluk Police Station, Thirupathur. Therefore, the petitioner submitted a representation to revoke the order of suspension.

5. Considering the above facts and circumstances of the case, the second respondent is directed to consider the representation submitted by the petitioner seeking revocation of order of suspension in view of G.O.Ms.No.81 Human Resources Management (N) Department, dated 04.08.2022, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

07.03.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To

1. The Superintendent Engineer,
TANGEDCO,
Thirupattur Taluk,
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G.K.ILANTHIRAIYAN. J,

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