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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.25902 of 2024

1.T.Gopal

2.T.Perumal

3.P.Sanjeevan

... Petitioners

Vs.

1.The Revenue Secretary,
Rep. by its Government of Tamil Nadu,
Salamedu,
Chennai – 600 009.

2.The District Collector,
Office of the Collectorate Road, Krishnagiri,
Krishnagiri District 635 001.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Bangalore Road,
Krishnagiri District – 635 001.

4.The Zonal Tahsilar, Office of the Tahsildar,
Burgoor Taluk, Krishnagiri District.



5. The Village Administrative Officer,
Oppanthavaadi Village,
Burgoor Taluk, Krishnagiri District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents 1 to 3 herein to conduct an enquiry and in terms of Rule 12(2) of the Tamil Nadu Services(Discipline and Appeal) Rules, the Head of the Department is empowered viz, the Respondents 1 to 3 herein to take necessary disciplinary action against the Respondents 4 and 5 by considering the Petitioner's representation dated 01.11.2023 and 20.12.2023 within in a time stipulated by this Court.

For Petitioner : Mr.D.Babu Varadharajan

For Respondents : Mr.P.Anandakumar
Government Advocate

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents 1 to 3 to conduct enquiry and to initiate disciplinary proceedings against respondents 4 and 5 by considering the representations made by the petitioners.

2.Heard Mr.D.Babu Varadharajan, learned counsel appearing on behalf of the petitioner and Mr.P.Anandakumar, learned Government Advocate appearing on behalf of the respondents.



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3.The case of the petitioner is that he is the owner of the subject properties measuring an extent of 1.16 acres situated at Oppanthavaadi Village, Burgoor Taluk, Krishnagiri District. The grievance of the petitioner is that persons who never had any right or title over the property started creating bogus documents with the active connivance of the 4th and 5th respondents. It is alleged that the 4th and 5th respondents in spite of knowing that bogus documents are being created, have effected change of patta in the names of those persons.

4.The petitioner earlier filed W.P.No.4355 of 2022 seeking for cancellation of patta. This writ petition was disposed of by an order dated 01.03.2022 by directing the official respondents to consider the representation made by the petitioner and to pass appropriate orders, within a period of twelve weeks.

5.The petitioner thereafter made representations to the Superintendent of Police, Krishnagiri to initiate penal action against all persons concerned including the 4th and 5th respondents. Since the same did not evoke any response, the present writ petition came to be filed before this Court.



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6.The 3rd respondent has filed a counter affidavit. The 3rd respondent has taken a stand that pursuant to the order passed by this Court in W.P.No.4355 of 2022, immediate enquiry was conducted and it was found that the patta has been transferred without proper documents and in view of the same, disciplinary proceedings were initiated against the 4th and 5th respondents.

7.When the matter was taken up for hearing today, the learned Government Advocate appearing on behalf of respondents 1 to 3 submitted that fresh disciplinary proceedings have been initiated against the 4th and 5th respondents under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. To substantiate the same, the learned Government Advocate also placed the proceedings of the District Collector, Krishnagiri dated 16.10.2024.

8.The learned counsel for the petitioner submitted that apart from initiating disciplinary proceedings, penal action must also be taken against the concerned persons including the Tahsildar and the Village Administrative Officer who have connived with the private parties.



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9. In the considered view of this Court, the grievance expressed by the petitioner has been redressed by initiating disciplinary proceedings against the 4th and 5th respondents under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Insofar as the penal action against the 4th and 5th respondents, it is left open to the petitioner to workout his remedy by filing an appropriate petition before this Court, if the police has not taken any action on the complaint given by the petitioner. Except giving this liberty, no further orders are required to be passed in this writ petition.

10. This writ petition is disposed of in the above terms. No Costs.

18.10.2024

Internet : Yes / No

(1/2)

Index : Yes / No

Speaking Order / Non Speaking Order

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N. ANAND VENKATESH, J.

SSI

To

- 1.The Revenue Secretary,
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