



W.P.(MD)No.5566 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.5566 of 2024 &
W.M.P(MD)Nos.5286 & 7022 of 2024

Saravanan

... Petitioner

vs.

The Assistant Director,
Survey and Land Records,
Office of District Surveyor,
Sivagangai, Sivagangai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to defer the Departmental Proceedings in Na.Ka.No.A4/5450-2022 dated 12.01.2024 on the file of the respondent till the disposal of Criminal Case in Spl.C.C.No.7/2023 by the Special Court for Trial of Cases under the Prevention of Corruption Act, Sivagangai.

For Petitioner : Mr.P.Praveenkumar
for M/s.Subash Law Office

For Respondent : Mr.M.Lingadurai,
Special Government Pleader



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ORDER

Heard Mr.P.Praveenkumar, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader for the respondent.

2. The petitioner has filed this writ petition seeking a writ of mandamus directing the respondent to defer the Departmental Proceedings in Na.Ka.No.A4/5450-2022 dated 12.01.2024 till the disposal of Criminal Case in Spl.C.C.No.7/2023 by the Special Court for Trial of Cases under the Prevention of Corruption Act, Sivagangai.

3. Mr.P.Praveenkumar, learned counsel for the petitioner submitted that before the disposal of the Criminal Case, if the Departmental Proceedings are proceeded, the petitioner cannot make a valid defence. He further submitted that the documents and witnesses before the Criminal Case and the Departmental Proceedings are one and the same.



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4. On the pretext of a pending Criminal Case, the petitioner cannot be allowed to stall the Departmental Proceedings infinitely. But, it is to be noted that the outcome of the Criminal Case might have a bearing on the Departmental Proceedings, if the materials relied on before the Criminal Case are same as that of the materials to be relied before the Departmental Proceedings.

5. In view of the above stated reasons, the writ petition is **disposed of** and the Departmental Proceedings in Na.Ka.No.A4/5450-2022 dated 12.01.2024 on the file of the respondent is deferred only for a period of one year from today. In the meanwhile, the petitioner is directed to expedite the Criminal Case and see that it is concluded as early as possible. No costs. Consequently, connected Miscellaneous Petitions are closed.

03.04.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order
mbi



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The Assistant Director,
Survey and Land Records,
Office of District Surveyor,
Sivagangai, Sivagangai District.



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R.N.MANJULA, J.

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