



WP(MD) No.8253 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.8253 of 2024

and

WMP(MD)No.7450 and 7451 of 2024

K.Balagurunathan

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of Municipal Administration and Water Supply,
Fort St. George,
Chennai - 600009.

2. The Director of Municipal Administration,
MRC Nagar,
No.75, Santhom Highway,
Raja Annamalaipuram,
Chennai - 600028.

3. The Commissioner,
Madurai Municipal Corporation,
Madurai, Madurai District.

4. The Commissioner,
Disciplinary Proceedings,



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Tribunal for Disciplinary Proceedings,
5/1-B, Vinayaga Nagar,
Madurai - 625020.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned proceedings issued by the 4th respondent in R.O.C.No.A1/83/2023 (TDP.04/2023) dated 27.09.2023 and quash the same in respect of the petitioner.

For Petitioner : Mr.B.Babu

For Respondents : Mr.S.Shanmugavel
Special Government Pleader for R1, R2 and R4
:Mr.F.Deepak
Standing Counsel for R3

ORDER

Heard Mr.B.Babu, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Special Government Pleader appearing for the respondents 1, 2 and 4 and Mr.F.Deepak, learned Standing Counsel appearing for the third respondent.



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2. The petitioner has filed this writ petition seeking Writ of Certiorari to quash the impugned proceedings issued by the 4th respondent in R.O.C.No.A1/83/2023 (TDP.04/2023) dated 27.09.2023.

3. Mr.B.Babu, learned counsel appearing for the petitioner submitted that at the time of search and inspection, the petitioner had given explanation for the money in his hands and the same was accepted by the authorities concerned. The grievance of the petitioner is that having accepted so, the petitioner has been given with the show cause notice.

4. It is also learnt that the petitioner has not been added as an accused officer in the criminal proceedings. However, on perusal of the FIR, the petitioner has also been shown as one of the accused. In fact, the third accused in FIR No.7 of 2021 dated 30.04.2021 of the Vigilance and Anti-Corruption Department, Madurai. So, the petitioner cannot challenge the show cause notice now after having been impleaded as a party to the criminal proceedings. Since FIR has been registered and the petitioner has also been shown as one of the accused, the



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petitioner has been served with the show cause notice. So far as the criminal case is concerned, investigation is pending. So far as the show cause notice is concerned, it is in the initial stage. The petitioner has approached the Court in prematured manner, when the matter is at a nascent stage. It is up to the petitioner to submit his explanation, if any, to the show cause notice and expect orders from the fourth respondent.

4. Mr.S.Shanmugavel, learned Special Government Pleader appearing for the respondents 1, 2 and 4 submitted that the earlier writ petition filed by the other individual on the basis of the similar transaction, stay order has been given. Attention was drawn to the order made in W.P.(MD)No.30358 of 2023 and WMP(MD)No.26137 of 2023.

5. In that writ petition, the stay order has been made on the basis that the writ petitioner has submitted the other delinquent (Balagurunathan) had taken responsibility for the entire amount and had stated that the entire amount belonged to Balagurunathan (the petitioner herein). Hence, the petitioner cannot seek shelter under the above order. I find no valid ground. Hence, this writ



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petition is **dismissed**. No Costs. Consequently, connected miscellaneous petitions are closed.

01.04.2024

Index : Yes / No

Internet : Yes / No

PJL

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R.N.MANJULA, J.

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