



W.P.(MD).No.12374 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.12374 of 2024
and WMP(MD) Nos.10955 & 10957 of 2024

N.Sankar

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Chief Secretary to Government,
Revenue and Disaster Management,
Secretariat, Chennai 9.
2. The Commissioner of Revenue Administration /
Disaster Management,
O/o. Commissioner of Revenue Administration /
Disaster Management,
Chepauk, Chennai 600 005.
3. The District Collector,
Dindigul District, Dindigul.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 3rd respondent vide his proceedings in Na.Ka.No. 1790110/2024/A1, dated 15.05.2024 and quash the same as illegal.



W.P.(MD).No.12374 of 2024

For Petitioner : Mr.M.Ajmal Khan – Senior Counsel
For M/s.Ajmal Associates

For Respondents : Mr.M.Ramesh
Government Advocate

ORDER

Heard Mr.M.Ajmal Khan, learned counsel for the petitioner and Mr.M.Ramesh, learned Government Advocate for the respondents.

2.The petitioner, who is aggrieved by the issuance of charge memo by the 3rd respondent, dated 15.05.2024 has filed this writ petition.

3.Mr.M.Ajmal Khan, the learned Senior Counsel appearing for the petitioner submitted that the charges were given with an inordinate delay. The petitioner, who has given the base report for issuing the legal heir Certificate in the capacity of Revenue Inspector, has been given with a charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 (hereinafter referred to as 'the Rules') and the Tahsildar, who has issued the legal heir Certificate has been dealt with charges only under Rule 17(a) of the Rules. Against him, enquiry proceedings has been completed by awarding



W.P.(MD).No.12374 of 2024

a minimum punishment of censure. The grounds, on which the charge memo challenged are mainly the delay involved in the issue and the disparity shown between the co-delinquent.

4.Even though the issue is pertaining to the charge memo and it has not been culminated into disciplinary action, I find there are reasons for interference in view of the inordinate delay. The charges relate to the issuance of a legal heir certificate to one Alli on the death of Annamalai.

5.The inquiry of the petitioner revealed that the deceased had two wives and he had submitted the report of his enquiry. Based on that, the Tahsildar had issued the legal heir certificate with the following details:

வ.எண்	வாரிசுதாரர் பெயர்	உறவுமுறை	வயது	திருமணமான நிலை
1	அல்லி	மனைவி	51	திருமணமானவர்
2	பிச்சையம்மாள்	இரண்டாவது மனைவி		இறப்பு
3	ராகு	மகன்		இறப்பு

6.The petitioner has been given with the first charge to the effect that even though the deceased had two wives, the petitioner had recommended for issuing legal heir certificate without following the rules. The second charge



W.P.(MD).No.12374 of 2024

is that the petitioner had wrongly described the first wife as the second wife and the second wife as the first wife.. The third charge is without details, but it simply states that the petitioner had acted contrary to the Rules.

7.A similar charge memo has been issued to the Tahsildar, who had actually issued the legal heir certificate, against whom, action has been initiated under Rule 17(a) of the Rules and he had given only with minor punishment of censure. So far as, the petitioner is concerned, the learned counsel for the petitioner submitted that even the Revenue Divisional Officer made an inquiry into the issue and came to know that the deceased had two wives. The petitioner had rightly revealed the same in his report. But the only mistake he had done is by wrongly identifying the first wife and second wife of the deceased. The Tahsildar, who is the authority to give legal heir certificate, could have exercised precaution before issuance of the certificate and directed the parties to approach the civil Court to declare the status of the persons by claiming to be the wife of the deceased.



W.P.(MD).No.12374 of 2024

WEB COPY

8.No doubt, the petitioner has to prepare the base report for issuance of legal heir certificate and the Tahsildar would be misled if the base report is wrong. If the other wife was alive, the Tahsildar would not have given the legal heir certificate and directed them to work out their remedy before the Civil Court. But this is a situation, where one wife was alive at the time when the petitioner made the enquiry and the other wife died. The petitioner had conducted enquiry and rightly found out who are the legal heirs. According to his enquiry report, he came to know that Alli was the first wife and Pichamal was the second wife of the deceased. He has mentioned the said facts in his report as how he learnt from his enquiry.

9.The Tahsildar, who had issued the Certificate was let free with censure, but the petitioner had been issued with 17(b) charges. The unequal treatment between the co-delinquent and the inordinate delay caused in initiating disciplinary action against the petitioner would no doubt vitiate the entire proceedings as delay shall defeat an effective defence.



W.P.(MD).No.12374 of 2024

WEB COPY

10.In view of the above observations, this writ petition stands allowed and impugned order in Na.Ka.No. 1790110/2024/A1, dated 15.05.2024 is hereby set aside. No costs. Consequently connected miscellaneous petition is closed.

12.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Chief Secretary to Government,
Revenue and Disaster Management,
Secretariat, Chennai 9.
2. The Commissioner of Revenue Administration /
Disaster Management,
O/o. Commissioner of Revenue Administration /
Disaster Management,
Chepauk, Chennai 600 005.
3. The District Collector,
Dindigul District, Dindigul.



WEB COPY



W.P.(MD).No.12374 of 2024

R.N.MANJULA, J.

PNM

ORDER IN
W.P.(MD).No.12374 of 2024
and WMP(MD) Nos.10955 & 10957 of 2024

12.06.2024