



W.A.(MD)No.1580 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **14.10.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**
AND
THE HONOURABLE MR.JUSTICE **K.K.RAMAKRISHNAN**

W.A.(MD)No.1580 of 2019
and
C.M.P(MD)No.12580 of 2019

1.V.K.Rajagopal
2.A.Gowthaman
3.B.Senthilkumar
4.R.Suresh
5.A.Gowrisankar
6.S.Alagarsamy
7.LChandrasekaran

: Appellants

Vs.

1.A.Selvagurunathan
2.The District Collector,
Office of the District Collector,
Tanjavur District.
3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kumbakonam, Tanjavur District.
4.The Tahsildar,
Office of the Tahsildar,
Tanjavur District.



W.A.(MD)No.1580 of 2019

5. The Revenue Inspector,
Office of the Revenue Inspector,
Aududhurai, Tanjavur District.

6. The Village Administrative Officer,
71, Melaiyur Revenue Village,
Thiruvaidaimaruthur Taluk,
Tanjavur District.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 01.07.2019 passed in W.P.(MD) No.13916 of 2019.

For Appellant : Mr.Naveenkumar Moorthy

For Respondents : Mr.R.Alagumani (for R1)

Mr.D.Sachikumar
Addl. Govt. Pleader (for R2 to R6)

JUDGMENT

(Judgment of the Court was delivered by **P.VELMURUGAN, J.**)

The writ appeal has been directed against the order dated 01.07.2019 passed in W.P.(MD) No.13916 of 2019.

2. The first respondent herein filed the writ petition before the writ Court in W.P(MD)No.13916 of 2019 seeking for issuance of a Writ of



W.A.(MD)No.1580 of 2019

Mandamus to direct the respondents 2 to 4 herein to strictly instruct the 6th respondent to stay within the residential jurisdiction of the Melaiyur Revenue Village, by considering his representations dated 09.03.2019 and 13.06.2019. The writ Court, by order dated 01.07.2019, disposed of the said writ petition with the following directions:

“23. Therefore, in order to give a quietus to this issue, this Court, while disposing this writ petition, is inclined to give the following directions to the stakeholders and this shall be scrupulously followed and shall be strictly implemented:

1. that every District Collector shall constitute a Grievance Cell in the District level headed by an officer not below the rank of Revenue Divisional Officer; in the said grievance cell, two more officials in the rank of Tahsildar to be inducted;

2. The District collector shall give advertisement making note to the public that such grievance cell has been constituted in the district to receive complaints from the public against any Village Administrative Officer in that revenue district;

3. After constituting the grievance cell, which shall be given clear instructions by the District Collector concerned, that the grievance cell, on receipt of any complaints from anywhere in that revenue district against the Village Administrative Officer, within a period of three days, the Village Administrative Officer shall be



summoned and after giving an opportunity of being heard to him, the grievance cell shall prepare a report and based on which, the grievance cell shall recommend suitable disciplinary action against the erring Village Administrative Officer, if they found any reason to recommend for disciplinary action. Such recommendatory report shall be forwarded to the concerned disciplinary authority, who shall immediately take disciplinary action against the Village Administrative Officer by framing charges and placing the Village Administrative Officer concerned under suspension. Such action shall be taken by the disciplinary authority, on receipt of the recommendatory report from the grievance cell, within a period of one week.

4.If action is taken against any erring Village Administrative Officer by the disciplinary authority as set out above by suspending him, during the pendency of the disciplinary proceedings, alternative arrangement shall be made by the posting authority in order to ensure that work in that village is not affected.

5.The necessary orders constituting such grievance cell by District Collector concerned shall be passed within a period of two weeks from the date of receipt of a copy of this order and compliance to that effect shall be filed by the District Collectors through the concerned Government Pleader before this Court during



the next hearing and for the said purpose, this case shall be posted on 01.08.2019.

3. Challenging the above said order, the appellants, who have been serving as Village Administrative Officers, have filed the present appeal.

4. However, when the matter is taken up for hearing today, the learned counsel for the appearing for the appellants would submit that the matter is relating to the posting of the Village Administrative Officers and they have to stay in their respective revenue villages. The same issue was challenged before the Principal Bench in W.P.No.30045 of 2019 and the Rule was upheld. The Honourable First Bench has granted liberty that if any grievance is there, they can approach the State Government. The relevant portion of the said judgment is extracted hereunder:

“7.We are, therefore, not interfering with the matter as raised in exercise of our jurisdiction under Article 226 of the Constitution of India, but we make it open to the petitioner to represent such a clause illustrating any such practical or pragmatic difficulties which may require a re-visit in the light of what has been observed above and in the event such representation is filed, it will be open to the State Government to consider the same in accordance with law.”



W.A.(MD)No.1580 of 2019

5. Therefore, in view of the outcome of the order passed by the Honourable First Bench of the Principal Bench of this Court in W.P.No.30045 of 2019 dated 12.11.2019, this Writ Appeal is closed. No costs. Consequently, connected miscellaneous petition is also closed.

[P.V.,J.] [K.K.R.K.,J.]
14.10.2024

skn

NCC : Yes/No

Index : Yes / No

Internet : Yes

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