



W.P.(MD)No.21538 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.21538 of 2024
and W.M.P.(MD)Nos.18201 & 18203 of 2024

S.Kanagaraj

... Petitioner

Vs.

1.The Managing Director,
THADCO,
No.31, Senatop Road,
Teynampet,
Chennai - 600018.

2.The Executive Engineer,
THADCO,
Reserve Line Road,
Elanthakulam,
Palayamkottai,
Tiruenlveli - 627002.

3.D.Palraj

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned show cause Notice dated 09.08.2024 his proceedings in Letter No.341/2021/DB and the impugned letter dated 24.08.2024 in Letter No.341/2021 VAB issued by the 2nd respondent and quash the same as illegal.



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For Petitioner : Mr.C.Mayilvahana Rajendran

For Respondents : Mr.D.Gandhiraj,
Spl. Govt. Pleader

ORDER

Challenging the impugned notice dated 09.08.2024 and the impugned letter dated 24.08.2024, the petitioner has filed this Writ Petition.

2. Mr.D.Gandhiraj, learned Special Government Pleader takes notice for the respondents.

3. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

4. It is the case of the Writ Petitioner that the petitioner is a Class – I contractor and he was awarded a contract to construct Boys Hostel. After completion of work, the petitioner requests for payment. As the third respondent demanded some commission, the petitioner has lodged a complaint before the 1st respondent against the third respondent on 10.05.2024. The third respondent has



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also lodged a false complaint against the petitioner and the same was registered as Crime No.327 of 2024 on the file of Perumalupuram Police Station under Sections 294(b), 115(2) and 132 of BNS, 2023. Due to the above motive, the third respondent has issued the impugned notice dated 09.08.2024 and the impugned letter dated 24.08.2024. Challenging the same, the petitioner has filed this Writ Petition.

5. Considering the facts and circumstances this case, this Court is of the view that the third respondent has given a complaint against the petitioner and now he himself issued the impugned show cause notice and the impugned letter. Therefore, this Court is of the view that if the enquiry is conducted by the third respondent, it will have a serious impact and it will create very bias itself.

6. In such view of the matter, without going into the merits of the case, this Court directs the first respondent to appoint any other officer to conduct enquiry, except the third respondent. The petitioner is directed to participate in the enquiry conducted by the officer to be appointed by the first respondent and thereafter, the Enquiry Officer shall pass orders in accordance with law.



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7. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

09.09.2024

NCC : Yes/No
Index : Yes/No
vsm



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N.SATHISH KUMAR, J.

vsm

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