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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-07-2025

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 19742 of 2025
AND
WMP NO. 22169 OF 2025

D.Shanthakumari
W/o.Kumaresan, Residing At No.15,
C S Chetty Street, Kancheepuram,
Tamil Nadu-631 501.

..Petitioner(s)

Vs

1. The District Collector,
Kancheepuram District, Collectorate,
Kancheepuram-631 501.

2. The Secretary To Government,
Revenue And Disaster Management Department,
Secretariat, Fort St. George, Chennai-600 009.

3.The Deputy Superintendent Of Police
CBCID, Kancheepuram Range,
Tamil Nadu-631 501.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 27.03.2025 passed by the 1st respondent District Collector, Kancheepuram, in Rc. No.COLKPM/ 549/ 2025/ A3 and 27.03.2025 and the subsequent order of the 1st respondent in Rc. No. COLKPM/ 549/ 2025 / A3 dated 28.03.2025 and to quash the same as arbitrary, illegal and unjust and to consequently direct the 1st respondent treat the petitioner as retired from service on 31.03.2025 and pay all the terminal benefits.



For Petitioner(s): Ms. Rita Chandrasekar for M/s. Aditya Chandramouli
For Respondent(s): M/s. R.U. Dinesh Raj Kumar - Additional Govt. Pleader

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ORDER

The instant writ petition has been filed challenging the impugned order dated 27.03.2025 passed by the 1st respondent District Collector, Kancheepuram, in Rc. No. COLKPM/ 549/ 2025/ A3 and 27.03.2025 and the subsequent order of the 1st respondent in Rc. No. COLKPM/ 549/ 2025 / A3 dated 28.03.2025 and quash the same.

2. The learned counsel for the petitioner would submit that the 1st respondent in willful manner has suspended the petitioner on 27.03.2025 and by consequential order dated 28.03.2025 has withheld the retirement benefit of the petitioner which is contrary to law. It is the submissions of the learned counsel for the petitioner that she was served for 30 years without any blemish of records. But due to the false complaint, she has been suspended abruptly and she was denied retirement benefits and hence, prays this Court to interfere with the same.

3. At this Juncture, the Additional Government Pleader would submit that as the loss caused by the petitioner is Rs.33,41,33,471/- to Government, there was an FIR registered by the CBCID Kanchipuram in Crime No.4 of 2021 as against the petitioner. It is further submitted by the Additional Government Pleader that even though she

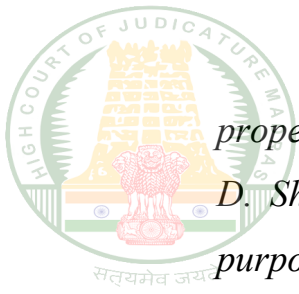


attained the superannuation, in order to continue the disciplinary proceedings against her, she was retained in the service and only in this connection, the suspension order was issued. He has further submitted that there is no public interest involved in the impugned order.

4. Heard both sides and perused the materials available on records.

5. While looking at the counter statement for more clarity, this Court deems it appropriate to extract the paragraphs 2, 3, 4, 5, 6 and 7 hereunder:

"2. It is submitted that, Tmt. D. Shanthakumari has filed a writ petition in W.P.No.19742 of 2025 on the file of Hon'ble High Court of Madras, praying to issue a WRIT OF CERTIORARIFIED MANDAMUS or any other appropriate Writ, order of direction of like nature calling for the records relating to the impugned order dated 27.03.2025 passed by the 1st Respondent, District Collector, Kancheepuram, in Rc.No.COLKPM/549/2025/A3 dated 27.03.2025 and the subsequent Order of the 1st Respondent in Rc.No.COLKPM/549/2025/A3 dated 28.03.2025 and to quash the same as arbitrary, illegal and unjust; and to consequently direct the 1st Respondent treat the Petitioner as retired from service on 31.03.2025 and pay all the terminal benefits and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case. The prayer in the writ is not maintainable since, the Deputy Superintendent of Police, CBCID., Kancheepuram Range @ Kancheepuram in his letter C.No.666/016309/Cr II(I)/2021, dated 21.08.2023 has requested to send a copy of Service Register along with



property statement, service particulars and other details in respect of Tmt.

D. Shanthakumari, Special Tahsildar (LA), the petitioner herein for the purpose of investigation, it has been requested by the 1st respondent to the Deputy Superintendent of Police to give the investigation pending details regarding the Tmt. D. Shanthakumari in CBCID In the letter Rc.No.COLKPM/549/2025/A3, dated 03.02.2025. After receiving report from the Deputy Superintendent of Police, that the investigation is pending on Tmt. D. Shanthakumari who is involved in this Criminal case and it is necessity to place her in suspension and to invoke Rule 56(1)(c) of Fundamental Rules to continue her service until the finalization of pending investigation against her.

3. Regarding the averments made by the petitioner in paragraph 3 of the affidavit, it is submitted that, she has mentioned her service details in Revenue Department. No remarks.

4. Regarding the averments made by the petitioner in paragraph 4 of the affidavit, it is submitted that, while the petitioner worked as Special Tahsildar (LA), Bangalore Chennai Express way scheme, Unit II, Kancheepuram from the period of 15.04.2015 to 15.11.2016. During the above period, she has prepared Land Plan Schedule, 3A(1) notification, 3A(2) notification and 3A(3) publication in newspapers, without verifying UDR-'A' Register and without field inspection and there by mentioning the S.No. 310/37pt and S.No.310/37B of Beemathangal Village (hamlet of Nemili-B Village of Sriperumbudur Taluk) as patta land in the name of Thiru. Ashish Mehta and Thiru.K.Selvam respectively instead of Government Poramboke Land. Further, while she was working as Special Tahsildar (LA), Office of the District Revenue Officer (LA), National Highways, Kancheepuram from the period of 22.03.2017 to 14.02.2018, she has scrutinized and approved the 3D(1) notification & 3G(3) and

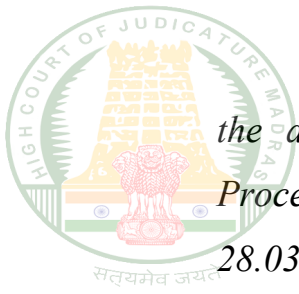


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3G(4) publication in newspapers, without verifying UDR-'A' Register and without filed inspection there by mentioning the S.No. 310/37pt and S.No.310/37B of Beemathangal Village (hamlet of Nemili-B Village of Sriperumbudur Taluk) as patta land in the name of Thiru. Ashish Mehta and Thiru.K.Selvam respectively instead of Government Poramboke Land. Thus, she has failed to protect the interest of Government and is responsible for loss to Government to a tune of Rs. 33,41,33,471/-. For the above actions taken by the Tmt. D. Shanthakumari, formerly Special Tahsildar (LA), Bangalore Chennai Express way scheme, Unit II, Kancheepuram, it was informed that she has involved with the case in CBCID, Kancheepuram Crime No.04/2021 and the investigation is still pending.

5. Regarding the averments made by the petitioner in paragraph 5 of the affidavit, it is submitted that, for the reasons that, she has failed to protect the interest of Government and is responsible for loss to Government to a tune of Rs. 33,41,33,471/- as stated above, she is being proceeded under Section 41A of the Code of Criminal Procedure, 1973 (now section 35 of the Bharatiya Nagarik Suraksha Sanhita Act, 2023) in connection with Crime No.4 of 2021 registered for offences under Sections 120(B), 465, 468, 471, 477A, 420 read with Section 34 of the Indian Penal Code.

6. Regarding the averments made by the petitioner in paragraphs 6 and 7 of the affidavit, it is submitted that, she was suspended under 17(e)(1) of Tamil Nadu Civil Services, 1955 vide the Proceedings of the District Collector, Kancheepuram Rc.No.COLKPM/549/2025/A3 dated 27.03.2025 for the pendency of CBCID Investigation in crime No. 04/2021 and subsequently she was not permitted to retire from service on attaining



the age of superannuation on the afternoon of 31.03.2025 vide the Proceedings Kancheepuram Rc. No. COLKPM/549/2025/A3 dated 28.03.2025, due to the reasons that Collector, she has failed to protect the interest of Government and is responsible for loss to Government to a tune of Rs. 33,41,33,471/-.

7. Regarding the averments made by the petitioner in paragraphs 8 and 9 of the affidavit, it is humbly submitted that, she has involved in the Criminal case for the irregularities found while she was working as Special II, Tahsildar (LA), Bangalore Chennai Express way scheme, Unit Kancheepuram from the period of 15.04.2015 to 15.11.2016 and as Special Tahsildar (LA), Office of the District Revenue Officer (LA), National Highways, Kancheepuram from the period of 22.03.2017 to 14.02.2018 and it is necessity to invoke Rule 56(1)(c) of Fundamental Rules to continue her service until the finalization of pending investigation against her."

6. On perusal of the counter statement, there is a criminal case as against the petitioner and there is also an allegation against the petitioner as she caused the loss to Government for Rs.33,41,33,471/-. In the above backdrop, this Court do not find any infirmity in the impugned order dated 27.03.2025 and consequential order dated 28.03.2025 and there is no public interest involved for interference in the impugned order. Hence, this Court do not find any merit in this case. Further, this Court directs the respondent to proceed the Disciplinary proceedings as expeditiously as possible.

7. In the result, the Writ petition is dismissed. No costs. Consequently,



connected miscellaneous petition is closed.



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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Lbm

To

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