IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 18.11.2025

PRONOUNCED ON : 25.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.15725 of 2023
and W.M.P.No.15196 of 2023

S.Karunakaran ... Petitioner

Vs.

1. The Secretary to the Government,
Public (Special-A) Department,
Secretariat, Chennai – 600 009.

2. The Additional Chief Secretary/
Commissioner of Revenue Administration,
Commissionerate of Revenue Administration
and Disaster Management,
Ezhilagam, Chennai – 600 005.

3. A.Shanmuga Sundaram, I.A.S,
Registrar of Co-operative Societies,
N.V.Natarajan Maaligai,
170 Periyar EVR High Road,
Kilpauk, Chennai – 600 010. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records from the second respondent in connection with the impugned charge memo bearing Ref.No.Ser-2(1)/16679/2019 dated 16.03.2023 and quash the same.

For Petitioner : Mr.V.Prakash, Senior Counsel
For Mr.K.Krishnamoorthy

For Respondents : Mr.M.Sureshkumar
Additional Advocate General
Assisted by Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the charge memo dated 16.03.2023 issued by the second respondent herein.

2. The petitioner, while he was working as District Revenue Officer, was served with charge memo dated 16.03.2023, that too on the verge of his retirement i.e., 31.05.2023, under Rule 17(b) of the Tamil Nadu Civil Servants (Discipline & Appeal) Rules (hereinafter referred to as "the TNCS Rules"). The charge memo consists eight charges as follows :-

> *"Charge-1 :- The District Revenue Officer has passed an order in J2/22106/2006 dated 04.01.2019, without any merits, in transferring the land owned by Govt. Institution namely IIT, Madras, in R.S. No. T.S. No. 2/3, measuring 0.39.50.0 sq. mts, which was acquired under award Nos.2/1963 dated 04.03.1963, 3/63 dated 11.03.1963 and now stands registered in the*

PLR as "circar poramboke" to a private individual namely, Thiru K. Raghu and has ordered the Tahsildar Velachery to transfer of registry in favour of the above said individual. By doing this the District Revenue Officer, has miserably failed to safeguard the interest of the Govt. lands. The Guide Line Value of the aforesaid Government land based on the adjoining lands is approximately Rs.22.6 crores. (i.e., Rs.5,360/sq.ft.)

Charge-2 :- In the proceedings of District Revenue Officer, Chennai J2/22106/2006 dated 04.01.2019 correlation statement mentioning the old survey Number and current Town Survey Number have not been stated. Only Paimash numbers were mentioned. Further in the Assistant Director of Survey report dated 03.07.2018 addressed to IIT, it was stated that the paimash numbers 804, 814, 816A, 817, 818, 828A stated by the claimant does not correlate with the old survey Nos. relating to IIT.

Again the Assistant Director of Survey, Chennai submitted a report dated 26.7.2018 to DRO stating that the paimash nos, mentioned by the claimant is correlated to the old survey Nos. of IIT. It is totally contrary to his earlier report. Hence, a report from Joint Director, Survey should have been obtained which was not done in this case.

Charge-3:- Perusal of Award copy No.2/63 dated

04.03.1963 and 3/63 dated 11.03.1963 shows that the entire extent of lands 0.97 acre and 0.58 acres respectively in O.S. No.7/7 and 4/1 were fully acquired and handed over to IIT. In page No. 11 Para 5 of the DRO proceedings, it was stated that the Old S. Nos.4/1 part 7/7 part Block No.8 and corresponding T.S. No.2/3 belongs to the claimant. But the total extent in O.S. No.4/1 and 7/7 was acquired vide award No.2/63 and 3/63 and handed over to IIT, Madras. The DRO has failed to peruse and discuss the documentary evidences submitted by the claimant. The DRO failed to verify the veracity of the documents produced by the claimant. Out of 6.61 Acres as per the settlement record available only 3.98 acres had been settled; remaining portions were not settled.

Charge-4 :- The District Revenue Officer has passed an order without going in to the merits of the case. He has passed orders without obtaining the reports of the Revenue Divisional Officer and Tahsildar concerned. The views of the RDO / Tahsildars should have been obtained as the market value of the land is very high and moreover the land belongs to a Govt. institution, namely IIT Madras.

Charge-5 :- Neither the office copy of the order nor the file itself was handed over to the Land Section till the intervention of the District Collector by himself.

The Fair copies of the order were not identical. In one copy, the side initial is made. It is reported to be disowned by the all staff in land section who dealt with the file. This raises to serious suspicion that the DRO handled this file all by himself so as to favour the claimant Thiru.M. Raghu by passing orders to transfer patta in his name.

Charge-6 :- The copy of the order produced by the benefitted individual before the Hon'ble High Court is entirely different from the order shown and given by the District Revenue Officer to the District Collector, in person. The DRO has purposefully made 2 copies of orders. In one copy of the order, copies were marked to three persons/Offices (namely 1. Thiru. M.Raghu, S/o Kalyana Sundaram Gramani(late), 2. The Registrar, IIT Madras, Chennai, 3. The Tahsildar, Velachery, Chennai) whereas in the other copies it was marked to four persons/offices (namely 1. Thiru.M. Raghu, S/o Kalyana Sundaram Gramani (late), 2. The Registrar, IIT Madras, Chennai, 3. The Tahsildar, Velachery, Chennai, 4. The District Collector, Chennai).

Charge-7 :- Thiru. S. Karunakaran, District Revenue Officer, Chennai has directed Tmt.V. Sumathi, Record Clerk, Collectorate, Chennai to make necessary entries in the despatch register as if the Proceedings J2/22106/2019 dt: 04.01.2019 was despatched as on

04.01.2019 which is actually not done on that date but corrected later which leads to tampering of records. This action was taken by DRO in order to circumvent or bypass the circular issued by the District Collector on 10.01.2019.

Concerned despatch clerk had also deposed a statement in this connection. The fraudulent entries with despatch register could be early found and recognized and there was corrections in Slno's and whitener was also applied. Till 25.04.2019 IIT was informed by DRO that no orders were passed.

Charge- 8 :- Thiru. S. Karunakaran, District Revenue Officer, Chennai has failed to maintain absolute integrity and devotion to duty. Thus he is unbecoming of a member of the service and thereby violated rule 20(1) of Tamil Nadu Government servant conduct rules 1973.”

Challenging the said charge memo, the petitioner filed has the present writ petition.

3. The learned Senior Counsel appearing for the petitioner submits that the petitioner, being a quasi judicial authority passed an order of issuance of patta in respect of the land comprised in T.S.No.2/3 to an extent of 0.39.50.0 sq.mt., which was acquired under award No.2 of

1963 dated 04.03.1963, which is classified as circar poramboke to a private individual party. Therefore, the petitioner passed only a quasi-judicial order and if there are any grievances over the order, it can be appealable before the District Collector. In fact, in the case on hand, when an appeal was filed, the said order was set aside and the appeal was allowed. Therefore, no disciplinary proceedings can be initiated as against a quasi-judicial authoirty, especially for the order passed in statutory appeal that too as directed by this Court. Further the circular dated 11.03.1993 provides that unless there is a dishonest motive, personal gain, illegal gratification, penal offence or pecuniary advantage, the charge under Rule 17(b) of the TNCS Rules cannot be framed. On perusal of the entire charges it is seen that no such allegations are made in the charge memo issued under Rule 17(b) of the TNCS Rules.

4. Heard the learned counsel appearing on either side and perused the material placed before this Court.

5. On perusal of the records, it is revealed that as directed by the Hon'ble Division Bench of this Court in W.A.No.755 of 2015 by an order dated 21.03.2018, the petitioner had passed the order. The Hon'ble

Division Bench of this Court set aside the earlier order and remanded back the matter to the petitioner to pass fresh order on the appeal filed by the claimants. As directed by the Hon'ble Division Bench of this Court, the petitioner passed order that too on the report submitted by the surveyor. Further, the peitioner only issued patta and it is not a title to the document. The patta was issued based on possession of the subject propety. Further, it is an appealable order and the appeal was also set aside. Therefore, the entire charge memo dated 16.03.2023 cannot be sustained and is liable to be quashed.

6. In view of the above discussions, the charge memo dated 16.03.2023 issued by the second respondent in Ref.No.Ser-2(1)/16679/2019, is hereby quashed. The respondents are directed to disburse the terminal benefits, if any, to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

25.11.2025
(½)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To

1. The Secretary to the Government,
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2. The Additional Chief Secretary/
Commissioner of Revenue Administration,
Commissionerate of Revenue Administration
and Disaster Management,
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3. The Registrar of Co-operative Societies,
N.V.Natarajan Maaligai,
170 Periyar EVR High Road,
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G.K.ILANTHIRAIYAN. J,

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