



W.P.No. 561 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.03.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.561 of 2023

K.V.Srinivasan

.. Petitioner

Versus

1. The State of Tamil Nadu,
Rep by the Secretary to Government,
Department of Registration and Commercial Taxes,
Secretariat, Chennai – 600 009.

2. The Inspector General of Registration,
Office of the Inspector General of Registration,
Chennai – 600 028.

3. Joint 1 Sub- Registrar,
Cadre of District Registrar,
Madurai South.

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent relating to the impugned suspension order in G.O.(2D)No.68 dated 20.08.2022, and G.O.(2D) No.70 dated 30.08.2022 and quash the same as illegal, arbitrary and unconstitutional



W.P.No. 561 of 2023

WEB COPY

and consequently direct the first respondent to reinstate the petitioner into service with all due service benefits including monetary benefits such as subsistence and dearness allowance within the time stipulated by this Hon'ble Court and pass orders.

For Petitioner : Mr.Kumarapal R.Chopra
for Giridhar and Sai Associates

For Respondents : Mr.R.Sasikumar,
Government Advocate

ORDER

This petition is filed to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent relating to the impugned suspension order in G.O.(2D)No.68 dated 20.08.2022, and G.O.(2D) No.70 dated 30.08.2022 and quash the same as illegal, arbitrary and unconstitutional and to consequently direct the first respondent to reinstate the petitioner into service with all due service benefits including monetary benefits such as subsistence and dearness allowance within the time stipulated by this Court and pass orders.



W.P.No. 561 of 2023

WEB COPY

2. The facts of the case is that the petitioner worked as a Additional Inspector General of Registration and retired from the service. While he was in service the petitioner has granted permission to register the properties belonging to the Pearls Agrotech Corporation which was the subject mater of this petition. It is pertinent to note that the relevant documents was kept pending for want of verification of the originals, hence the petitioner genuinely granted permission to the 3rd respondent herein to register the said documents. Due to the said registration he was issued with the suspension order by the first respondent in the impugned G.O.(2D) No.68 dated 20.08.2022 suspending the petitioner from service with immediate effect until further orders in exercise of powers conferred under Rule 17(e)(1)(i) of Tamil Nadu Civil Service (Discipline & Appeal) Rules, 1955. When this being the case when the petitioner was about to retire on 31.08.2022, the first respondent on 30.08.2022 passed an order in G.O.(2D) 70 dated 30.08.2022, extending petitioner's service and not permitted him to retire on 31.08.2022. Aggrieved over the same, the petitioner has come up with this petition.

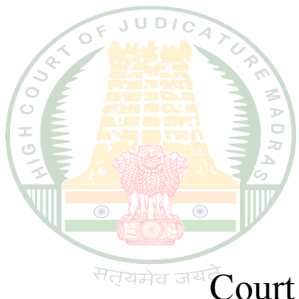


W.P.No. 561 of 2023

WEB COPY

3.The learned counsel for the petitioner submitted that the first respondent without providing an opportunity of hearing to the petitioner had passed an order of suspension. He further submitted that the petitioner is entitled to all the monetary benefits such as subsistence allowances and the same was not paid from the first respondent. He further submitted that the impugned document had genuinely granted permission to the 3rd respondent herein to register the said pending document and release the same.

4.The learned Government Advocate appearing for the respondent submitted that the Joint-1, Sub Registrar had sought clarification to the Inspector General of Registration vide his Letter No.P112/R1/2013, dated 22.02.2019 regarding registration of a document kept pending as P112/2023, wherein a company name MEK Developers Limited was executing a sale deed in respect of properties pertaining to M/s Pearls Agrotech Corporation Limited (PACL) with a total extent of 38.26 Acres in Samanatham Village, Madurai (South) Registration District in favour of one Devshri Infrahomes Private Limited. As per the order of Supreme



W.P.No. 561 of 2023

WEB COPY

Court of India dated 02.02.2016, a committee under the chairmanship of Justice (Retired) R.M.Lodha, former Chief Justice of India was constituted by Securities and Exchange Board of India and authorized to examine the matter relating to sale and disposal of properties of M/s. Pearls Agrotech Corporation Limited (PACL) and the said Justice R.M.Lodha committee has informed the Inspector General of Registration Vide No.521/16-17, dt. 30.08.2016 that only the committee is authorized to sell properties of PACL and has directed to effect the registration of properties in any manner and to that effect the Inspector General of Registration has issued proceedings in Letter No.47640/C1/2018, dated 05.12.2018 with instructions not to register any properties pertaining to Pearls Agrotech Corporation Limited (PACL) or its allied companies. While the facts are being so, the petitioner without getting the approval from the Inspector General of Registration Letter No.7943//C1/2019, dated 05.03.2019. In the said clarification, he has stated that since the impugned document was presented on 21.05.2013 much before the letter given by PACL, the same could be registered. Based on the above clarification, the impugned document was registered and returned. The above clarification issued by



W.P.No. 561 of 2023

WEB COPY

the petitioner without obtaining the orders of the Inspector General of Registration is a deliberate irregularity on his part and the aforesaid irregularity has led to the registration of properties pertaining to Pearls Agrotech Corporation Limited (PACL). Hence prays to dismiss this petition.

5. I have given anxious consideration to either side submissions and perused the materials available on record.

6. On a perusal of records it is seen that the first respondent has accorded approval under Section 17A of the Prevention of Corruption Act, 1988 (Central Act of 49 of 1988) as amended in 2018 to the Directorate of Vigilance and Anti-Corruption to register a Regular Case against the petitioner .In continuation of the approval, the Directorate of Vigilance and Anti corruption had filed the said First Information Report against the petitioner in Tirunelveli. It is further submitted that initiation of a criminal case is not a criteria for placing the delinquent officer under suspension and any Government Servant can be placed under suspension when an enquiry is pending.



W.P.No. 561 of 2023

WEB COPY

7. Before advertng further it would be appropriate to go through Part II Paragraph 12(7) of Manual of the Directorate of Vigilance and Anti-Corruption and the same is extracted hereunder:

“When once a case has been entrusted to the Directorate of Vigilance and Anti-Corruption for enquiry and report, there should be no parallel enquiry by the Departmental Authorities.

8. On going through the above provision it is made clear that till the outcome of the result of the case intimated by the Directorate of Vigilance and Anti-Corruption in Tirunelveli, the Authorities cannot proceed further. Hence, this Court *suo moto* impleads Vigilance and Anti Corruption, Tirunelveli as a fourth respondent in this petition.

9. Therefore, a direction is issued to the Vigilance and Anti Corruption, Tirunelveli to file the final report within a period of three months from the date of receipt of the copy of this order and taken necessary steps to complete the trial as expeditiously as possible. The petitioner is directed to co-operate with the trial. The



W.P.No. 561 of 2023

WEB COPY

Respondent/Authorities are directed to complete the disciplinary proceedings based on the Judgment of the learned Judge, Tirunelveli.

11. With the above directions, this writ petition stands disposed of.
No order as to costs. However, it is left open to the petitioner to approach the concerned authorities and give representations to receive any pending amount due to him.

20.03.2025

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn



W.P.No. 561 of 2023

WEB COPY

To

1. The State of Tamil Nadu,
Rep by the Secretary to Government,
Department of Registration and Commercial Taxes,
Secretariat, Chennai – 600 009.

2. The Inspector General of Registration,
Office of the Inspector General of Registration,
Chennai – 600 028.

3. Joint 1 Sub- Registrar,
Cadre of District Registrar,
Madurai South.



WEB COPY



W.P.No. 561 of 2023

V.BHAVANI SUBBAROYAN, J.

smn

W.P.No.561 of 2023

20.03.2025