



W.P(MD)No.3791 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.3791 of 2024 and
WMP(MD) No.3689 of 2024

S.Kulanthaivel

... Petitioner

Vs

The Commissioner,
Madurai Corporation,
Madurai.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records in pursuant to the impugned charge Memo issued by the respondent in his Proceedings No.A2/00116/2024, dated 03.02.2024 and quash the same.

For Petitioner	: Mr.M.Saravanakumar
For Respondent	: Mrs.S. Devasena
	Standing Counsel



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ORDER

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The petitioner is working as an Assistant Engineer in Madurai Corporation. He was issued with a charge memo on 03.02.2024, under Rule 17(b) of the Tamil Nadu Civil Service (Discipline & Appeal) Rules that he has approved a building plan for the construction made in Survey No.432/3 at Door No.151, Balaji Street, Alagappa Nagar, in violation of the Tamil Nadu Combined Development and Building Rules, 2019, by misusing his official capacity, thereby, he has violated Rule 20 of the Government Servants Conduct Rules. Challenging the same, the petitioner has approached this Court.

2.The learned Standing Counsel appearing for the respondent Corporation by referring to the approval order granted by this petitioner for the building plan pertaining to Survey No.432/3 at Door No.151, Balaji Street, Alagappa Nagar submits that it is the petitioner, who has issued the building plan approval, contrary to the Government order in G.O.Ms.No.154 of 2020, Tamil Nadu Housing



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and Urban Development Department, dated 13.10.2020. As per the above Government order, an approval can be granted only for eight dwelling units, whereas, this petitioner has approved for nine dwelling units.

3.The learned counsel appearing for the petitioner submits that he was working as an Assistant Engineer in Mullai Periyar Vaigai Drinking Water Scheme and at that time, he was also allotted with the additional work of approving the planning permission with effect from 07.10.2021 in a leave vacancy of the Assistant Executive Engineer (Schemes). He was in charge of this post from 07.10.2021 till 21.01.2022. Though the planning permission was issued on 23.11.2021, the process for this planning permission was mooted even before 07.10.2021. After the application made through online, there would be a spot inspection, verification and thereafter, it has to be approved. According to the petitioner, he has not conducted any spot inspection and he has not forwarded the files to the Commissioner of Madurai Corporation and



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he has simply signed the approval order on 23.11.2023, on completion of all the procedures. Therefore, according to the learned counsel, he is innocent. If the inspection files are produced, the real facts could be exposed.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.Admittedly, this petitioner has granted the building planning approval on 23.11.2023 for the construction made in Survey No.432/3 at Door No.151, Balaji Street, Alagappa Nagar, while he was in charge of the post of Assistant Executive Engineer. The charge levelled as against this petitioner is that he has granted building plan approval for nine dwelling units, when the maximum limit prescribed in G.O.Ms.No.154 of 2020, Tamil Nadu Housing and Urban Development Department, dated 13.10.202 is eight units, thereby he has violated the guidelines issued by the Government. The petitioner claims that he has not conducted any spot inspection



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and he has only signed the building plan approval in the capacity of Assistant Executive Engineer, which is the in charge post at that relevant point of time. On this ground, this Court is not inclined to quash the proceedings. The grounds raised by the petitioner in this writ petition can also be raised during the disciplinary proceedings. In the event, if the petitioner is inclined to refer the inspection reports already made, he is at liberty to peruse the files and also refer the documents during the disciplinary proceedings.

6. Accordingly, this writ petition is dismissed with a direction to the disciplinary authority to conclude the disciplinary proceedings within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

01.12.2025

NCC: Yes/No
Index: Yes/No
Internet: Yes



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To

The Commissioner,
Madurai Corporation,
Madurai.



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B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.3791 of 2024 and
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