



W.P.(MD)No.5697 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.5697 of 2025

and

W.M.P(MD)No.4157 of 2025

Kalidass

... Petitioner

Vs.

1.The Commissioner of Survey and Settlement,
O/o.Director of Survey and records,
Survey House, Chepauk,
Chennai.

2.The Commissioner,
Tribunal for disciplinary proceedings,
Tiruchirapalli.

3.The Regional Deputy Director,
O/o.Department of Survey and Records,
Tiruchirapalli.

4.The Assistant Director,
O/p.Department of Survey and Records,
Pudukottai.

5.The Special Thasildhar,
Natham Settlement Scheme,
Pudkottai Town.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating with the order of punishment, reduction in rank of the petitioner made in Na.Ka.Ya.1/1972/2022, dated 25.01.2025 by the first respondent, and quash the same as it is illegal.

For Petitioner : Mr.R.Suriya Narayanan

For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition has been filed against the order of punishment issued by the first respondent in Na.Ka.Ya.1/1972/2022, dated 25.01.2025, wherein, the petitioner's rank has been reduced.

2. There is no dispute with regard to the facts of the case. The disciplinary enquiry was initiated against the petitioner in D.T.P.Case.No.06/2019 by framing two charges against the petitioner. For the charge memo, the petitioner submitted written explanation to the second respondent. The second respondent conducted an enquiry and after concluding the enquiry, he found that the petitioner is guilty and sent the enquiry report on 31.05.2024 to the first



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respondent for further action. The petitioner made a representation to the first

respondent denying the charges. Thereafter, the first respondent passed an order on 25.01.2025 imposing the punishment of reduction of rank as Firka Surveyor for a period of three years. The said order is impugned in the present writ petition.

3. During the course of hearing, the learned counsel for the petitioner has raised several grounds and he would submit that the order impugned in this writ petition is liable to be quashed on the ground of violation of principles of natural justice.

4. The learned Special Government Pleader appearing for the respondents would submit that the question of violation of principles of natural justice does not arise in the present case in view of the fact that the impugned order is passed by the first respondent after considering the report of the investing officer and the explanation submitted by the petitioner. The learned Special Government Pleader further submit that against the order impugned in this writ petition passed by the first respondent, the remedy of appeal is available to the petitioner. The petitioner can avail appeal before the Additional Chief Secretary, Revenue and Disaster Management within a period of 60 days from

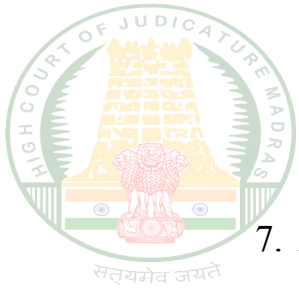


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the date of receipt of the impugned order. Without following the remedy of appeal, the petitioner directly filed this writ petition and accordingly, he sought to dismiss the writ petition.

5. Considering the facts and circumstances of the case, there is substantial force in the contention of the learned Special Government Pleader. The impugned order is passed on 25.01.2025 against the petitioner by the first respondent imposing the punishment of reduction of rank for a period of three years. If the petitioner has grievance against the same, he can avail appeal before the appellate authority within a time stipulated. It is open to the petitioner to raise all grounds in the said appeal and the appellate authority will consider the same and pass appropriate orders.

6. In the present case, admittedly, the petitioner without exhausting the remedy of appeal filed this writ petition against the order of the first respondent, wherein, punishment was imposed against the petitioner. It is settled law that the writ petition is not maintainable, if alternate remedy of appeal is available. In view of the same, in our considered view, this writ petition fails.



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7. Accordingly, the writ petition is dismissed. No costs. Consequently,

the connected miscellaneous petition is closed.

03.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn

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BATTU DEVANAND, J.

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