

W.P.(MD)No.9079 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.9079 of 2025

Mugilnathan

... Petitioner

Vs.

1.The District Forest Officer,
Ramanathapuram Forest Division,
Ramanathapuram.

2.The Enquiry Officer/ the Forest Range Officer,
Forest Protection Squad,
Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to furnish documents requested by the petitioner to disprove the charges framed against the petitioner and on the basis of the petitioner's representation dated 16.12.2024.

For Petitioner : Mr.T.Kumar

For Respondents : Mr.D.Sachi Kumar
Additional Government Pleader



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ORDER

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This writ petition has been filed seeking a direction to the first respondent to furnish documents requested by the petitioner to disprove the charges framed against the petitioner by considering the petitioner's representation dated 16.12.2024.

2. The learned counsel for the petitioner contends that the petitioner has been working as Guard in the Forest Department and he was suspended by the first respondent on 11.12.2023 for certain allegations. In pursuance of the suspension, charge memo has been issued and an enquiry officer was appointed by the first respondent. The enquiry officer is the subordinate officer of the first respondent. The petitioner apprehends that if the enquiry was proceeded by the subordinate officer of the first respondent, he might not get justice so that he filed a writ petition in W.P(MD)No.12531 of 2024 for quashing the charge memo. This Court ordered Chief Conservator of Forest to appoint some other officer to hold enquiry. Accordingly, the second respondent has been appointed as enquiry officer. The said enquiry is pending. The learned counsel for the petitioner contends that to disprove the allegations levelled against the petitioner, he sought for certain documents from the first respondent and

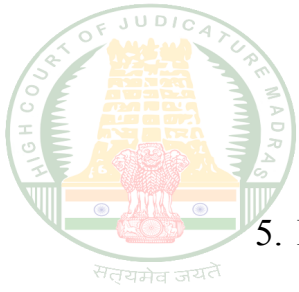


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requesting the same, he submitted a representation to the second respondent on 16.12.2024. The petitioner came to know that the second respondent had already sent a letter, dated 12.08.2024 to the first respondent to provide the documents for enquiry as requested by the petitioner. There is no reply. Against the inaction of the respondents in furnishing the documents sought by him, the present writ petition has been filed.

3. The learned Additional Government Pleader for the respondents would submit that the representation of the petitioner will be considered by the respondents and documents sought by the petitioner will be furnished to him by following due process of law.

4. On consideration of the submissions made by the respective learned counsels, it appears that to participate in the enquiry before the second respondent and to disprove the allegations levelled against him, the petitioner sought certain documents. It is the right of the petitioner to sought for certain documents to disprove his case. It is the duty of the respondents to furnish the same. Without furnishing the relevant documents to the petitioner proceed with the enquiry and passing orders against the petitioner will amounts to violation of principles of natural justice.



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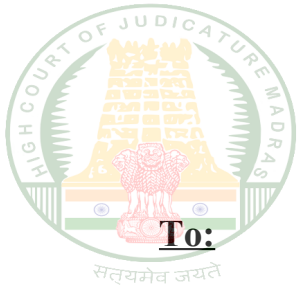
5. In view of the same, this Court is of the considered opinion that this writ petition can be disposed of at the admission stage with the consent of both sides with a direction to the respondents to furnish the documents sought by the petitioner in his representation, dated 16.12.2024 within a time to be stipulated herein under to meet the ends of justice.

6. Accordingly, this writ petition is disposed of with a direction to the respondents to furnish the documents sought by the petitioner in his representation, dated 16.12.2024 within a period of two weeks from the date of receipt of a copy of this order. The second respondent shall not proceed with the enquiry till the documents are furnished to the petitioner.

No costs.

03.04.2025

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



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To:

1. The District Forest Officer,
Ramanathapuram Forest Division,
Ramanathapuram.
2. The Enquiry Officer/ the Forest Range Officer,
Forest Protection Squad,
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BATTU DEVANAND, J.

Sn

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