



W.P.(MD)No.25089 of 2022

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DATED: 12.11.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.25089 of 2022

and

W.M.P.(MD)No.19189 of 2022

Arumugam

: Petitioner

Vs.

1.The Additional Director,

Office of the Directorate of Survey and Settlement,
Chepauk, Chennai – 9.

2.The Commissioner,

Madurai Corporation,
Madurai.

: Respondents

[R2 is impleaded vide court order dated 04.09.2023 in WMP(MD)No. 18012 of 2023 in WP(MD)No.25089 of 2022]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records from the respondent in proceedings No.Na.Ka.L2/25450/2021 dated 29.06.2022 and quash the same and



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consequently directing the respondent to accommodate the petitioner in Madurai by re-transfer.

For Petitioner : Mr.RM.Arun Swaminathan
For Respondent No.1 : Mr.A.Baskaran,
Additional Government Pleader
For Respondent No.2 : Mrs.S.Devasena,
Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned order dated 29.06.2022 passed by the first respondent imposing the punishment of stoppage of increment for a period of six months without cumulative effect on the petitioner.

2.The petitioner has challenged the impugned order on the ground of violation of principles of natural justice and on the ground that the impugned order is a non-speaking order. The petitioner, while working as Deputy Inspector of Survey and Land Records in the year 2020 had conducted a survey and demarcated the property pursuant to the directions given by the Civil Court. However, the Town Surveyor had lodged a complaint against the petitioner before the Corporation Commissioner that the petitioner was the cause for demolishing the compound wall belonging to the Corporation while



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the petitioner had conducted a survey and demarcated the property pursuant to the directions issued by the Civil Court.

3.The petitioner claims that he is innocent and he is no way responsible for the demolition of the compound wall. However, the respondent Corporation was not satisfied with the petitioner's explanation and thereafter they have initiated disciplinary proceedings against the petitioner and charges were framed against him in the disciplinary proceedings. The petitioner has submitted an explanation for the charges framed against him in the disciplinary proceedings. However, according to the petitioner, without holding any enquiry, by a non-speaking order, in violation of the principles of natural justice, the first respondent has passed the impugned order dated 29.06.2022, imposing the punishment of stoppage of increment for a period of six months without cumulative effect.

4.A counter has been filed by both the respondents denying the contentions of the petitioner. According to them, only by following due procedure established under law, the impugned punishment order came to be passed. It is their contention that the compound wall belonging to the Corporation was demolished only on account of the petitioner assisting in the said demolition.



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5. Learned Additional Government Pleader appearing for the respondents as well as the learned Standing Counsel appearing for the second respondent Corporation would submit that appeal remedy is available to the petitioner. Hence, this Writ Petition is not maintainable.

6. However, as seen from the impugned order imposing the aforesaid punishment, no enquiry was conducted by the respondents before passing of the impugned order. The petitioner had only submitted an explanation disputing the charges framed against him in the disciplinary proceedings. Eventhough the said explanation was rejected by the first respondent, the first respondent never held any enquiry to enable the petitioner to produce evidence to substantiate his case that he is an innocent. This Court has also carefully perused and examined the impugned order. As seen from the same, no reasons have been given for coming to the conclusion that the petitioner is guilty of the charges framed against him in the disciplinary proceedings and for imposing the punishment of stoppage of increment for a period of six [6] months without cumulative effect. The petitioner was also not afforded any personal hearing in the disciplinary proceedings by the first respondent.



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Therefore, it is clear that the impugned order is a non-speaking order and has been passed in violation of principles of natural justice. Hence, the impugned order has to be quashed and the matter has to be remanded back to the very same respondent for fresh consideration on merits and in accordance with law within a time frame to be fixed by this Court. Since principles of natural justice has been violated as seen from the impugned order and since the impugned order is a non-speaking order, this Writ Petition is maintainable, eventhough an appeal remedy is provided for the petitioner, if aggrieved by the impugned order.

7. Accordingly, the impugned order dated 29.06.2022 passed by the first respondent is hereby quashed and this Writ Petition is disposed of, by directing the very same first respondent to pass final orders on merits and in accordance with law, after holding a proper enquiry and by adhering to the principles of natural justice and by permitting the petitioner to produce oral and documentary evidence in support of the petitioner's stand that he is innocent, within a period of twelve [12] weeks from the date of receipt of a copy of this order.



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8.With the above directions, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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



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To
The Additional Director,
Office of the Directorate of Survey and Settlement,
Chepauk,
Chennai – 9.



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ABDUL QUDDHOSE., J.

MR

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