



W.P.(MD)No.30707 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.30707 of 2023

S.Sivakumar

... Petitioner

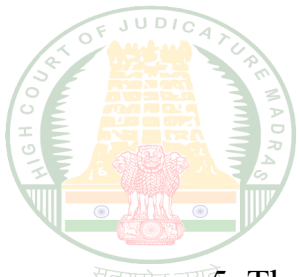
Vs

1. The Secretary to Government,
Commercial Taxes and Registration Department,
Fort St. George,
Secretariat,
Chennai.

2. The Inspector General of Registration,
100, Santhome High Road,
Chennai-620 008.

3. The Deputy Inspector General of Registration,
Combined Registration Office Building,
Rajakambeeram,
Y.Othakadai,
Madurai-625 007.

4. The District Registrar (Administration),
Registration Department,
Madurai South,
Madurai.



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5. The Sub-Registrar No.I,
Madurai South,
Madurai.

6. Ramasamy

7. R.Senthilkumar

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents No.1 & 2 to initiate departmental proceedings against the respondents No.6 and 7 by implementing the recommendation of the 4th respondent in Na.Ka.No. 1102/Aa2/2020 dated 13.07.2020 and Na.Ka.No.3054/Aa2/2020 dated 05.01.2021, based on the petitioner's representation dated 10.10.2022 and conclude the same as per law.

For Petitioner : Mr.A.N.Ramanathan

For Respondent Nos.1 to 5 : Mr.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.D.Sadiq Raja,
Additional Government Pleader

ORDER

The instant writ petition has been filed seeking a mandamus to direct the respondent Nos.1 and 2 to initiate departmental action as against the Respondent Nos 6 & 7 based upon the recommendations of the fourth respondent.

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2. According to the learned Counsel appearing for the writ petitioner, the sixth respondent had proceeded to register several documents without verifying the original records. The fourth respondent herein has recommended for initiating action as against the sixth respondent by his proceedings dated 13.07.2020. Since no action was initiated, the present writ petition has been filed.

3. Pending writ petition, this Court has directed the respondents herein to inform the Court whether any action was initiated pursuant to the orders of the fourth respondent on 13.07.2020.

4. The learned Additional Advocate General appearing for the 2nd respondent herein brought to the notice of this Court that a preliminary enquiry was conducted and after being satisfied with the explanation offered by the sixth respondent, they have closed the departmental proceedings.

5. A perusal of the closure order of the second respondent further discloses that in the criminal case that was filed as against the sixth respondent in Crime No.41/2020, name of the sixth respondent has been deleted from the charge sheet.



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6. According to the learned counsel appearing for the writ petitioner, challenging the deletion of the name of the sixth respondent from the charge sheet, the petitioner herein had filed Crl.M.P.No.2109 of 2024 in C.C.No.298 of 2024 on the file Judicial Magistrate No.1, Madurai, seeking to include the name of the sixth respondent herein in the charge sheet.

7. According to him the said application was allowed, and therefore, as on today, the name of the sixth respondent is found in the charge sheet. However, the learned Additional Advocate General contends that no such orders were brought to the notice of the official respondents herein.

8. Considering the fact that the sixth respondent has been exonerated from the preliminary enquiry conducted by the respondents, and also considering the fact that initiating departmental proceedings is within the domain of the executive, this Court is not inclined to give any positive direction to initiate departmental action as against the sixth respondent. However, in case, if the sixth respondent has been charge sheeted in the above said criminal case, it is for the petitioner to bring it to the notice of the second respondent herein for initiating appropriate further action.



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9. With the above said observations, this writ petition is disposed of.

No costs.

29.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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