



W.A(MD) No.2352 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 10.04.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.A(MD) No.2352 of 2024
&
C.M.P.(MD)No.16292 of 2024**

T.Dhanuskodi
Tahsildar,
The Tahsildar Office,
Nilakkottai.

... Appellant / Third Party

Vs.

1.R.Mani

... 1st Respondent / Petitioner

2.The District Collector,
Collectorate,
Dindigul District.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul.

4.The Tahsildar,
The Tahsildar Office,
Nilakkottai.



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5.The Taluk Surveyor,
Nilakkottai Taluk,
Dindigul District.

6.A.P.Azhagar

7.C.Murugeswari

... Respondents 2 to 7
/ Respondents 1 to 6

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 25.09.2024 passed in W.P.(MD)No.16457 of 2024 so far as the directions to initiate disciplinary proceedings and criminal prosecution against the appellant in Paragraph Nos.12 to 29 and 30(a) and 30(b) of the impugned order and thereby allowing this writ appeal and to grant such other reliefs.

For Appellants : Mr.J.Barathan

For Respondents : Mr.T.Amjadkhan
Government Advocate
for R2 to R5

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.



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2. One R.Mani filed W.P.(MD)No.16457 of 2024 challenging the subdivision proceedings made by the Tahsildar, Nilakottai (appellant herein). The learned single Judge quashed the impugned proceedings on the ground that when the property had not been divided among the parties, the revenue authority could not have, in the absence of the civil court's decree, subdivided the same. While allowing the writ petition, a series of directions were passed. Challenging the same, this appeal has been filed.

3. We consciously refrain from going into the merits of the matter. The Hon'ble Supreme Court in the decision reported in (2001) 3 SCC 54 ('K' A [Judicial Officer Vs. Registrar General, High Court of Andhra Pradesh](#)) held that the party whose conduct is in question should be given an opportunity to explain. In the case on hand, the appellant was not impleaded in person but only by designation. Therefore, if the learned Judge had wanted the employer to take disciplinary action against the appellant, the appellant should have been specifically put on notice. Such approach was not adopted. Principles of natural justice have been breached to an extent. The appellant was under the impression that the



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validity of his proceeding alone was under challenge. There was no occasion for him to assume that his conduct itself is under scrutiny. Initiating departmental action is not a small matter. It has serious civil consequences. In fact, whether to initiate action or not is a call to be taken by the employer. The writ court can draw the attention of the employer or the disciplinary authority to the manner in which the particular officer had conducted himself. No direction to initiate disciplinary proceedings can be issued straightaway. On this ground, without going into the merits of the matter, the direction made against the writ petitioner stands quashed. We make it clear that the order of the learned Single Judge in all other respects is correct and is left intact.

4. The Writ Appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (R.P., J.)
10.04.2026

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



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