



W.P.No.15872 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 18.11.2025

PRONOUNCED ON : 25.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.15872 of 2023
and W.M.P.No.15344 of 2023

S.Karunakaran

... Petitioner

Vs.

1. The Secretary to the Government,
Public (Special-A) Department,
Secretariat, Chennai – 600 009.

2. The Additional Chief Secretary/
Commissioner of Revenue Administration,
Commissionerate of Revenue Administration
and Disaster Management,
Ezhilagam, Chennai – 600 005.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records from the second respondent in connection with the charge memo purportedly dated 22.09.2022, served on petitioner on 05.05.2023 bearing Ref.No.Pani 2(2)/35140/2021 issued and quash the same.



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W.P.No.15872 of 2023

For Petitioner : Mr.V.Prakash, Senior Counsel
For Mr.K.Krishnamoorthy

For Respondents : Mr.M.Sureshkumar
Additional Advocate General
Assisted by Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the charge memo dated 22.09.2022 issued by the second respondent herein.

2. The petitioner, while he was working as District Revenue Officer, was served with charge memo dated 22.09.2022 consisting three charges as follows:-

@Fw;wr;rhL;L 1 ? jpU/v!;/fUzhfud; vd;gtu; fle;j
07/03/2017 Kjy; 07/12/2017 tiu xU';fpize;j
ehfg;gl;odk; khtl;l;jpy; ehfg;gl;odk; khtl;l tUtha;
mYtyuhfg; gZpg[upe;jnghJ ehfg;gl;odk; khtl;lk;. .
KapyhLJiw tl;lk; kw;Wk; kapyhLJiw efuhl;rpj;Fl;gl;l
thu;L 3 gpshf; vz;/23 efu gl;y vz;/883-2 ru;j;fhu;
gl[wk;nghf;F vd tifg;gLj;jg;gl;l 0/7406 r/kP/ fl;olk; khjh
nfhapy; vd jhf;fyhfpas;s epyj;jpid u/gl";ir vd tifghL
khw;wk; bra;J gl[dpj rntupahu; Myak; lnahrp!; M`g;
j";rht{u; brhirl;o mjd; jw;fhy ek;qfu; jiytu; j";ir Mau; vd
gl;lh khw;wk; bra;J ehfg;gl;odk; khtl;l tUtha; mYtyu;
kw;Wk; epy klik gjpt[nkk;ghL jpl;l nky;KiwaPl;L

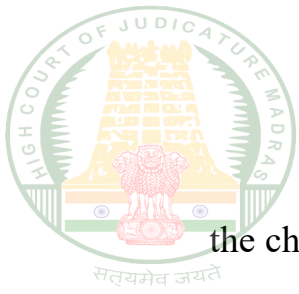


mYtyu; bray;Kiwfs; K:/K/8436-2017/M4. ehs;
05/12/2017?d;go cj;jut[gpwg;gpj;Js;shu;/ muR
gl[wk;nghf;F vdj; jhf;fhyhfpas;s epuj;jpid. ve;jtpj
mog;gil Mtz';fs; kw;Wk; rhu;epiy mYtyu;fspd;
mwpf;iff; Mfpa vjida[k; guprPyid bra;ahky;
jd;dpr;irahd Kiwapy;. mrpuj;ijahf ,Ue;J bfhz;L
Kiwaw;w tifapy; u/gl";ir vd khw;wk; bra;J gl;lh tH';fp
muRg;gzpapy; jtwpiHj;Js;shu;/

Fw;wr;rhl;L 2 ? u/gl";ir vd khw;wk; bra;J gl;lh
tH';FtJ khtl;l tUtha; mYtyu;fspd; mjpffhu tuk;gpw;F
mg;ghw;gl;ljh' ,Uf;Fk; epiyapy;. mjpffhu tuk;gpid
kPwp gl;lh tH';fp Mizapl;ljd;K:yk;. Mjpffhu
Jc&gpunahfk; bra;Js;shu;/

Fw;wr;rhl;L 3 ? jdpau; ,j;jifa bray; K:yk; xU
bghWg;gl;s;s muR ChpauJ mog;gilf;flik. ek;gfj;jd;ik
kw;Wk; flikapy; gw;Wzu;t[Mfpatw;Wld; bray;glj; jtwp
jkhH;ehL muRg;gzpahsu; elj;ij tpjpf; tpjp 20(1)I
kPwp bray;gl;Ls;shu;/@

3. The crux of the charge is that the petitioner transferred the patta in favour of a Church in respect of the land comprised in Town survey No.883/2 to an extent of 0.7406 sq.mt., situated at Block No.23, Ward No.3, Mayiladurai, Nagapattinam District. Originally, the said land was classified as Circaar Poramboke and it was transferred in favour of



W.P.No.15872 of 2023

the church on their application.

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4. The learned Senior Counsel appearing for the petitioner submitted that the said charge memo was issued on him on 05.05.2023 at the fag end of the petitioner's service, when he was about to retire from service i.e., on 31.05.2023. After issuance of patta on application, the town surveyor/Sub Inspector of Survey surveyed the subject land and submitted a report. They recommended for issuance of patta in favour of the third party viz., the Church.

5. Heard the learned counsel appearing on either side and perused the material placed before this Court.

6. Admittedly, the third party is in possession and enjoyment of the property for the several decades. As per Section 31(7) of the Revenue Standing Orders, for transfer of patta in favour of persons who is in possession of a property for twelve years, when parties who have no documents of title are shown in a summary inquiry possession for having been in possession as reputed owners for twelve years or more, transfer



W.P.No.15872 of 2023

of registry may be made after notice. However, while grating patta, the

following ingredients are to be verified:

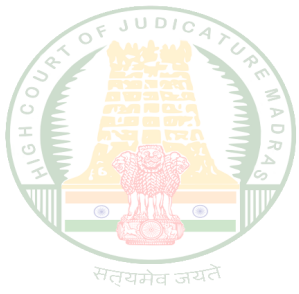
(i) whether the party is in possession for more than 12 years

(ii) whether the payment of revenue was made to the government by way of kist or by way of property tax to the local government which act as a proof of possession

On verification of those documents, the petitioner passed order to grant patta in respect of the subject property. It is also to be noted that patta is not a title to the document and it is issued on the basis of the possession of the property. Further it is an appealable order and if there are any grievances over the order, the aggrieved party can file appeal. In fact, in the case on hand, an appeal was filed and the said order was set aside and the appeal was allowed.

7. The learned Senior Counsel appearing for the petitioner also relied upon the judgment reported in **(1999) 7 SCC 409** in the case of ***Zunjarrao Bhikaji Nagarkar Vs. Union of India & ors.***, in which the Hon'ble Supreme Court of India held as follows :-

“41. When penalty is not levied, the assessee certainly benefits. But it cannot be said that by not



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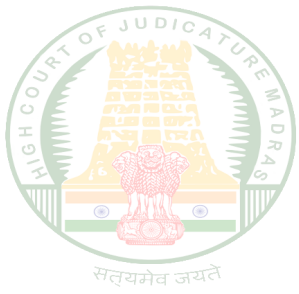


W.P.No.15872 of 2023

levying the penalty the officer has favoured the assessee or shown undue favour to him. There has to be some basis for the disciplinary authority to reach such a conclusion even prima facie. Record in the present case does not show if the disciplinary authority had any information within its possession from where it could form an opinion that the appellant showed 'favour' to the assessee by not imposing the penalty. He may have wrongly exercised his jurisdiction. But that wrong can be corrected in appeal. That cannot always form basis for initiating disciplinary proceedings for an officer while he is acting as quasi judicial authority. It must be kept in mind that being a quasi judicial authority, he is always subject to judicial supervision in appeal.

42. Initiation of disciplinary proceedings against an officer cannot take place on an information which is vague or indefinite. Suspicion has no role to play in such matter. There must exist reasonable basis for the disciplinary authority to proceed against the delinquent officer. Merely because penalty was not imposed and the Board in the exercise of its power directed filing of appeal against that order in the the Appellate Tribunal could not be enough to proceed against the appellant. There is no other instance to show that in similar case the appellant invariably imposed penalty.

43. If, every error of law were to constitute a



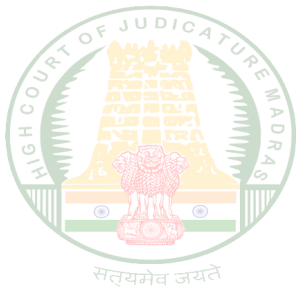
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W.P.No.15872 of 2023

charge of misconduct, it would impinge upon the independent functioning of quasi judicial officers like the appellant. Since in sum and substance misconduct is sought to be inferred by the appellant having committed an error of law, the charge-sheet on the face of it does not proceed on any legal premise rendering it liable to be quashed. In other words, to maintain any charge-sheet against a quasi judicial authority something more has to be alleged than a mere mistake of law, e.g., in the nature of some extraneous consideration influencing the quasi judicial order. Since nothing of the sort is alleged herein the impugned charge-sheet is rendered illegal. The charge- sheet, if sustained, will thus impinge upon the confidence and independent functioning of a quasi judicial authority. The entire system of administrative adjudication whereunder quasi judicial powers are conferred on administrative authorities, would fall into disrepute if officers performing such functions are inhibited in performing their functions without fear or favour because of the constant threat of disciplinary proceedings.”

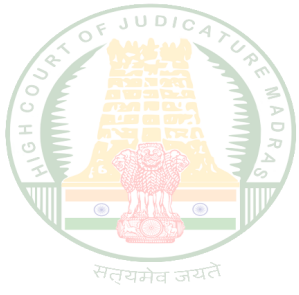
Thus it is clear that in order to maintain any charge sheet as against a quasi-judicial authority, something more has to be alleged than a mere mistake of law ie., in the nature of some extraneous consideration influencing the quasi-judicial order.



W.P.No.15872 of 2023

WEB COPY 8. On perusal of the entire charge memo, no such allegations are made out as against the petitioner. Therefore, the entire system of administrative adjudication whereunder quasi-judicial powers are conferred on administrative authorities, would fall into disrepute if officers performing such functions are inhibited in performing their functions without fear or favour because of the constant threat of disciplinary proceedings.

9. In view of the above discussions, the charge memo dated 22.09.2022, issued by the second respondent in Ref.No.Pani 2(2)/35140/2021, is hereby quashed. The respondents are directed to disburse the terminal benefits, if any, to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.



W.P.No.15872 of 2023

WEB COPY 10. Accordingly, the Writ Petition stands allowed.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

25.11.2025
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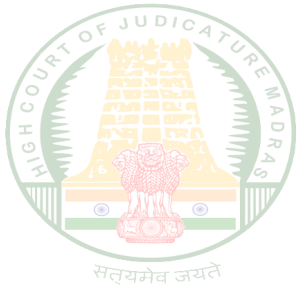
Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To

1. The Secretary to the Government,
Public (Special-A) Department,
Secretariat, Chennai – 600 009.

2. The Additional Chief Secretary/
Commissioner of Revenue Administration,
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and Disaster Management,
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W.P.No.15872 of 2023

G.K.ILANTHIRAIYAN. J.

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Order in
W.P.No.15872 of 2023
and W.M.P.No.15344 of 2023

25.11.2025
(2/2)