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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 8629 of 2023

and

W.M.P(MD)No.7932 of 2023

R.Balaji

... Petitioner

Vs.

1.The Deputy Inspector General of Police,
Madurai Range,
Madurai.

2. The Additional Superintendent of Police,
Virudhunagar District,
Virudhunagar.

3. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of ***Writ of Certiorarified Mandamus***, to call for the Memo, dated 06.04.2023 issued by the 2nd respondent vide Na.Ka.No. 12 / ADSP /



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CCW /MDU/2023 and to quash the same and to direct the 2nd respondent to furnish the necessary documents to the petitioner to put forth his defence as required by him through his representation, dated 26.03.2023 and thereafter to proceed with the departmental enquiry in the manner known to law and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : M/s.Babu Rajendran

For Respondents : Mr.T.Villavan Kothai,
Additional Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The petitioner has filed this writ petition to quash the impugned Memo, dated 06.04.2023 with consequential relief to direct the respondents to furnish necessary documents, in order to defend himself in the disciplinary enquiry.



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3. The contention of the petitioner is that, he sought some documents but the respondents have declined to furnish the same. When the petitioner has specifically demanded the copies from the enquiry officer, who is 2nd respondent herein has stated that the copies are available with the 3rd respondent and directed him to get the copies from the 3rd respondent. The relevant portion is extracted here under:

“மேலும் தாங்கள் கோரும் தண்டனை பட்டியல் கோப்பில் இல்லாத கீழ்க்கண்ட ஆவணங்களை பிழையாளராகிய தாங்கள் விருதுநகர் மாவட்ட காவல் கண்காணிப்பாளர் அவர்களை தாங்கள் அணுகி பெற்று கொள்ளுமாறு இதன் மூலம் கேட்டுக்கொள்ளப்படுகிறது.”

4. But the 3rd respondent has stated that the said copies are not available with him and the same is lying in the concerned Magistrate Court. Hence, the 3rd respondent has declined to grant the same.

5. The petitioner is seeking the following list of documents:



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List of Documents

1. Copies of charge-sheet in F.R.Nos.600/2019 to 61/2019 of Sriviliputtur Town PS.
2. Copies of charge-sheets filed by Sriviliputtur Town PS between, 11.06.2019 and 27.06.2019 before Hon'ble Courts.
3. General Diary of Sriviliputtur Town PS for the period from 02.03.2019 to 11.06.2019.
4. Rough Duty Roster for the dates 02.03.2019 to 04.03.2019 and 11.06.2019.

6. When the Learned Additional Government Pleader was directed to take instructions regarding the availability of the documents, on instructions it was submitted that the 3rd respondent is having the said documents. Accordingly, the 3rd respondent / The Superintendent of Police, Virudhunagar District, Virudhunagar, is directed to furnish the copies of the list of documents, i.e., as stated supra within a period of 2 weeks from today, i.e. on 17.04.2023. The



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petitioner is directed to submit an explanation based on the list of documents, within a period of 2 weeks, thereafter. The enquiry officer shall fix the date, after receiving the explanation, within a week, thereafter.

7. The learned counsel appearing for the petitioner submitted that the enquiry date is fixed on 17.04.2023 that is today. Therefore, the enquiry officer is directed to adjourned the enquiry to some other convenient date. It is also directed that the petitioner shall not drag on the proceedings.

8. With these directions and observations, this Writ Petition is allowed. No Costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
ksa

17.04.2023

Note to Office : Issue a copy of order on 18.04.2023



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To

1. The Deputy Inspector General of Police,
Madurai Range,
Madurai.
2. The Additional Superintendent of Police,
Virudhunagar District,
Virudhunagar.
3. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.



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S.SRIMATHY, J

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**Order made in
W.P.(MD)No. 8629 of 2023**

17.04.2023