

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P. No. 38082 of 2015

R. Balasubramanian

..Petitioner

Vs.

1. The Principal Chief Secretary,
Govt. Of Tamil Nadu,
Fort St. George,
Chennai - 9.

2. The Principal Home Secretary,
Govt. Of Tamil Nadu,
Fort St. George,
Chennai - 9.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus to direct the 1st respondent to appoint an Enquiry Commission through 2nd respondent to probe the corruption erupted in DMK regime from the year May 2006 to May 2011 on the representation dated 09.11.2015 according to law immediately.

For Petitioner :: Mr.R. Balasubramanian
Party-in-person

For Respondents:: Mr.P. Sanjay Gandhi,
Addl. Govt. Pleader

O R D E R

The petitioner, who is a practising lawyer, has filed this writ petition as party-in-person seeking a direction to the 1st respondent to appoint an Enquiry Commission through the 2nd respondent to probe the corrupt practices said to have erupted during the previous regime, from May, 2006 to May, 2011, on considering his representation dated 09.11.2015.

2. The petitioner submitted that there is a tacit admission on the part of MLA, Kolathur Constituency, to the

effect that mistakes have occurred in the previous regime to which he would have also given his support; however, such mistakes of the past would not re-occur, if a fresh opportunity is given to them in the ensuing elections to serve the general public. In view of the said statement made, it is submitted by the petitioner that an enquiry should be conducted as sought by him, in the representation dated 09.11.2015. In support of his contention, the petitioner relied upon the judgment of the Honourable Apex Court reported in AIR 2003 SC 2859 (P.V. Radhakrishna V. State of Karnataka) for the proposition that a person, who made a statement cannot go against the same and the same will have to be admitted in evidence. Soon after making the representation dated 09.11.2015, wherein the petitioner has sought conduct of enquiry against the then Deputy Chief Minister and present MLA of Kolathur Constituency, he has rushed to this Court seeking the aforesaid relief.

3. The petitioner has filed this writ petition based on a newspaper report, which is inadmissible. A perusal of the report would show that a general statement has been made. The newspaper report does not indicate any specific incidents also. In other words, there are no particulars of the mistakes alleged to have been committed. A statement has to be seen in the context in which it has been made. Perhaps, it has been made to convince the electorates that there would be better governance, if an opportunity is given. The petitioner has also rushed to this Court by shooting of a representation on 09.11.2015. Moreover, the writ petition is not maintainable as proper and necessary parties have not been arrayed as respondents though allegations have been made against them. As far as the decision relied upon by the petitioner is concerned, the same does not have any application, whatsoever, to the facts of the case. In the said judgment, the Apex Court was dealing with the evidentiary value of a statement made by a deceased qua its admissibility under Section 32 of the Evidence Act. Such a situation is not before this Court. In view of the above, this Court does not find any reason to entertain this writ petition and the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nv

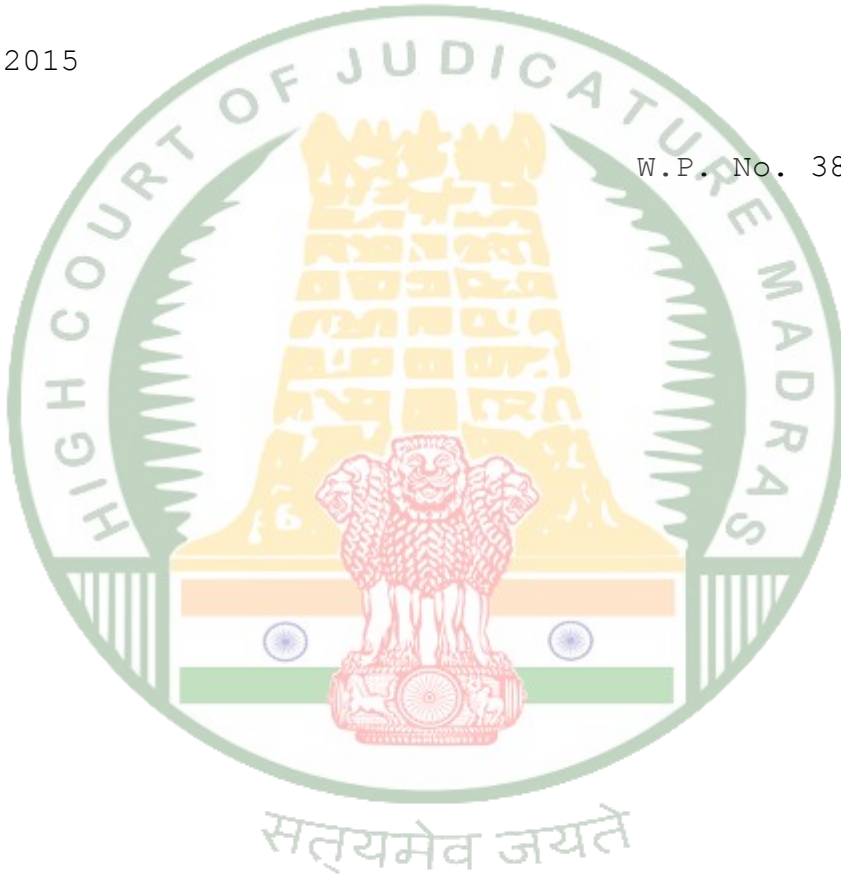
To

1.The Principal Chief Secretary
Government Tamilnadu
Fort St.George, Chennai 9.

2.The Principal Home Secretary,
Government of Tamilnadu,
Fort St.George, Chennai 9.

sr (CO)
kra 17.12.2015

W.P. No. 38082 of 2015



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