



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2015

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

WRIT PETITION (MD) No.2691 of 2015
and M.P.(MD)No.1 of 2015

M.Devaraj

... Petitioner

-vs-

1. The Superintendent of Police
Kanyakumari District
Nagercoil.

2. The Deputy Superintendent of Police
District Crime Branch,
Nagercoil, Kanyakumari District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ in the nature of Certiorarified Mandamus, calling for the records on the files of the 1st Respondent pertaining to its Proceedings in Na.Ka. No.L1/Tha.Pa.95/2014 dated 23.01.2015, quash the same and consequently direct the respondents to furnish the documents, sought for by the petitioner.

For Petitioner : Mr.S.C.Herold Singh

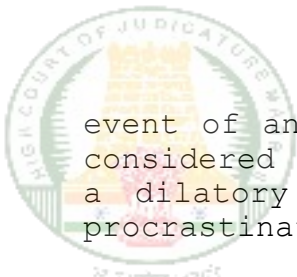
For Respondent : Mr.S.Kumar
Addl. Govt. Pleader

O R D E R

The petitioner has come forward with this writ petition, seeking for issuance of a Writ in the nature of Certiorarified Mandamus, calling for the records on the files of the 1st Respondent pertaining to its Proceedings in Na.Ka. No.L1/Tha.Pa.95/2014 dated 23.01.2015, quash the same and consequently direct the respondents to furnish the documents, sought for by the petitioner.

2. Learned counsel for the petitioner has addressed a detailed argument. When this Court was about to dismiss this writ petition on hearing both sides in length, learned counsel for the petitioner has made a representation, stating that in the counter filed by the first respondent, it has been stated that the petitioner has not pointed out as to the relevancy of the documents sought for by him and that the documents requested by the petitioner were not relied upon by the respondents. Therefore, it is the submission of the petitioner that he may be given permission to make a fresh representation to the respondents, explaining with regard to the relevancy of the documents required by him and if the respondents are satisfied with the same, they may be directed to furnish those documents to the petitioner.

3. Learned Additional Government Pleader submits that 42 documents were submitted by the petitioner, which have been subsequently restricted to by him, have no relevancy to the issue in question at all. However, Learned Additional Government Pleader has fairly conceded that in the



event of any application being made by the petitioner, the same would be considered on merits as per law. He has further submitted that it is only a dilatory tactics, being adopted by the petitioner to protract and procrastinate the pending proceedings.

4. I have heard the learned counsel on either side and perused the material documents available on record.

5. Considering the facts and circumstances of the case, this Court is of the view that the issue in question revolves around the issuance of documents sought for by the petitioner. Therefore, this Writ Petition is disposed of with a direction to the petitioner that in case of any relevancy of documents, he shall make a fresh request to the respondents by way of filing a representation, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, if the respondents are satisfied with the request of the petitioner, they shall either furnish the documents based on the representation to be made by the petitioner or pass appropriate orders on the representation within a period of two weeks thereafter.

6. However, it is made clear that if the petitioner has any further grievance, the same could be agitated only after the final outcome of the proceedings initiated by the department. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police
Kanyakumari District, Nagercoil.
2. The Deputy Superintendent of Police
District Crime Branch,
Nagercoil, Kanyakumari District

+1cc to MR.S.C.HEROLD SINGH, ADVOCATE IN SR : 17415
+1CC TO THE SPECIAL GOVERNMENT PLEADER, IN SR : 17340

Ar

SM : 15.04.2015 : 2p/5c

WRIT PETITION (MD) No.2691 of 2015
06.04.2015