

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M. VENUGOPAL

W.P.No.5038 of 2016

&

WMP.NO.4397 of 2016

P. Arumugam

...

Petitioner

Vs

1. The Registrar (Vigilance),
High Court of Judicature at
Madras.

2. Mr. S. Ravi,
II Assistant Judge,
City Civil Court,
Chennai.

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Respondents

Writ petition filed under Article 226 of the Constitution seeking for the issuance of a writ of certiorarified mandamus calling for the records of the 1st respondent pertaining to his proceeding in ROC No.932/2015/VC and quash the order dated 16.12.2015 and consequently direct the 1st respondent to conduct the full-fledged enquiry against the 2nd respondent on the basis of petitioners complaint dated 02.11.2015 after giving sufficient opportunity to the petitioner to substantiate his case.

For Petitioner : Mr. R. Sivakumar
For Respondents : ----

ORDER

(Order of the Court was delivered by SATISH K. AGNIHOTRI, J.,)

Challenging the memorandum dated 16th December, 2015 issued by the first respondent, whereunder, the complaint made by the petitioner against the second respondent was rejected on consideration, the instant writ petition has been filed.

2. According to the learned counsel for the petitioner, the second respondent has rendered a judgment in O.S.No. 9581 of 2010 on extraneous consideration, without looking into the

pleadings and the arguments advanced by the parties therein. Thus, a complaint was made by the petitioner, which was rejected without assigning any reason.

3. It is clear that the petitioner is trying to find fault with the order passed by the second respondent on the judicial side. Thereagainst, a statutory appeal is maintainable, wherein, the petitioner is at liberty to raise all the issues, including the issue that the order was passed contrary to the pleadings and law and also on extraneous consideration, if so advised. It is for the petitioner to establish the allegations before the appellate forum. The Vigilance Cell had examined the complaint and closed the same, may be, on the ground that the complaint is in respect of the order passed by a Judge on the judicial side. Thus, we do not find any reason to interfere with the impugned memorandum, at this stage.

4. In the result, this writ petition is dismissed. No costs. Connected W.M.P. No. 4397 of 2016 is dismissed.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

ra.

To

1. The Registrar (Vigilance),
High Court of Judicature at
Madras.

2. The II Assistant Judge,
City Civil Court,
Chennai.

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CTRK(CO)
EU(26/02/2015)

W.P. No.5038 of 2016