

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.8874 of 2016

A.Narayanan

... Petitioner

vs.

1. The State Rep. by
The Commissioner of Police
Greater Chennai Police,
Vepery, Chennai - 600 007.
2. The Inspector of Police
H-3, Thondiarpet Police Station,
Thondiarpet, Chennai - 600 021.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorarified Mandamus, to call for the records of the first respondent, dated .01.2016 in Ref. No.Na.Ka.No.Po.3/269/2016, signed on 02.02.2016 and quash the same and consequently direct the respondents to issue Conduct Certificate to the petitioner.

For Petitioner : Mr.M.Kannan

For Respondents: Mr.V.Jayaprakash Narayanan, Spl.G.P

ORDER

The writ petition has been filed under Article 226 of the Constitution of India, seeking an order in the nature of writ of certiorarified mandamus, to call for the records of the first respondent, dated .01.2016 in Ref. No.Na.Ka.No.Po.3/269/2016, signed on 02.02.2016 and quash the same and consequently direct the respondents to issue Conduct Certificate to the petitioner.

2. The petitioner is a sitting M.L.A., elected from Nanguneri Constituency, Thirunelveli District, Tamil Nadu and he is representing the Nadar community people and President of Nadar Peravai and Vanigar Sangam. The petitioner is also an Industrialist, having many business in and around Tamil Nadu and

as per the petitioner, he is the highest Tax paying MLA in Tamil Nadu and also appointed as Director of Tamil Nadu Mercantile Bank, a scheduled bank, holding the post from March 2004 to June 2008. The petitioner is permanently residing in New No.20/55, New Thandavarayan Street, Old Washermenpet, Chennai, for the past 18 years. Earlier during the year 1993, due to business and political motive, criminal cases were foisted against the petitioner by the police authorities and after full fledged trial, the petitioner was acquitted by the competent criminal courts and as on date, no criminal case is pending investigation or trial, which has also been confirmed by the Certificate issued by the second respondent police, dated 30.06.2007.

3. Since the petitioner is a social activist, politician and Industrialists, he requires Conduct Certificate from the police authorities for his future, hence, the petitioner gave a representation to the Commissioner of Police, first respondent herein to issue Conduct Certificate. But without considering the facts and circumstances, the first respondent has passed the impugned order, dated .01.2016, signed on 02.02.2016 by stating that the petitioner has involved in criminal case on the file of the second respondent herein. Hence, the petitioner has come forward with the present writ petition, seeking for the relief as stated supra.

4. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

5. The second respondent has filed counter, wherein it is also stated that the petitioner was acquitted in the following Crime Nos. (1) Ennore PS, Cr.No.304/85 u/s 302 IPC, (2) H8 PS, Cr.No.669/87 u/s 302 IPC, (3) Ennore PS, Cr.No.591/90 u/s. 302 IPC, (4) N1 PS, Cr.No.200/97 u/s 302 IPC, (5) H3 PS, Cr.No.311/97 u/s 448, 323 IPC and (6) S3 PS, Cr.No.7/02 u/s 147, 323, 109 r/w 7 (1) (a) of CLA Act and further stated that there is no criminal case pending against the petitioner on the file of the H3 Thondiarpet Police Station.

6. Considering the facts and circumstances and after hearing the submissions of both sides and pursuing the material papers, I am of the opinion, since, the petitioner was acquitted in all the criminal cases pending against him and as on date there is no other criminal case pending against him, this Court directs the respondents to reconsider the case of the petitioner afresh by taking into consideration the present conduct, by affording an opportunity of personal hearing to the petitioner and pass an appropriate order on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

7. With the above observations, this writ petition is disposed of. No costs.

svn

Sd/-
Asst.Registrar

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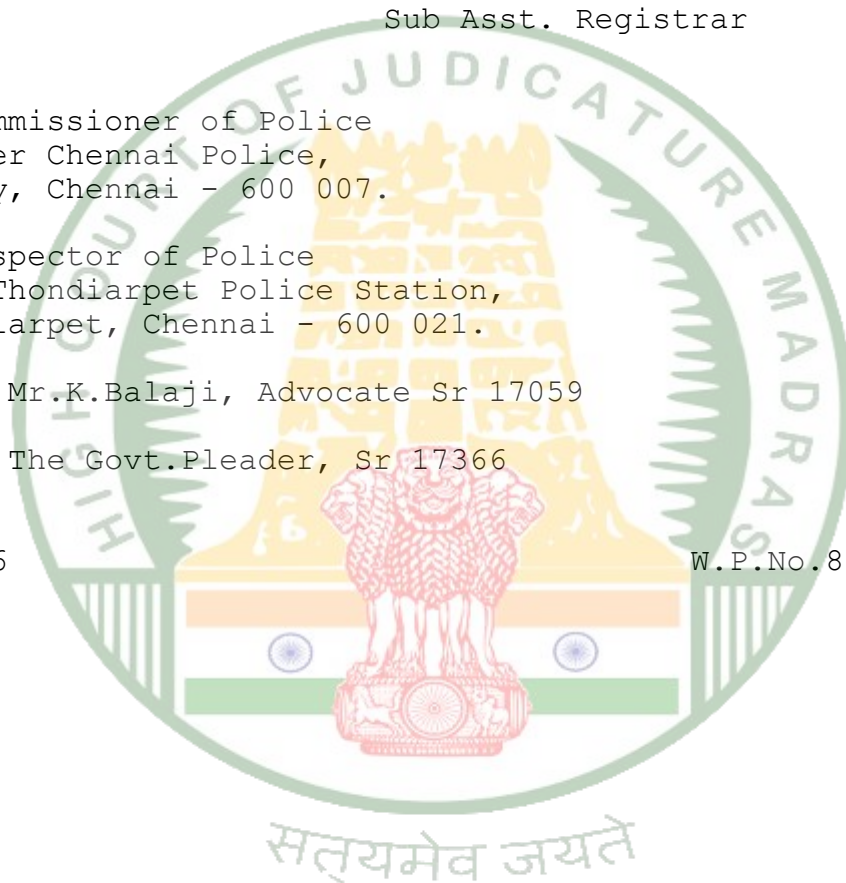
Sub Asst. Registrar

To

1. The Commissioner of Police
Greater Chennai Police,
Vepery, Chennai - 600 007.
 2. The Inspector of Police
H-3, Thondiarpet Police Station,
Thondiarpet, Chennai - 600 021.
- + 1 cc to Mr.K.Balaji, Advocate Sr 17059
+ 1 cc to The Govt.Pleader, Sr 17366

KR/22/3/16

W.P.No.8874 of 2016



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