



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.A. (MD) .Nos.1370 and 1371 of 2017
and
C.M.P. (MD) .Nos.9675 and 9676 of 2017

K.Palanikumar ... Appellant in W.A.(MD).No.1370 of 2017 /
6th respondent in W.A.(MD).No.1371
of 2017 / 5th respondent in W.P.

Sethu ... Appellant in W.A.(MD).No.1371 of 2017 /
6th respondent in W.A.(MD).No.1370
of 2017 / 6th respondent in W.P.

Vs.

1. C.Rajavel ... 1st respondent in both the petitions /
Writ Petitioner
2. The Director General of Police,
Mylapore, Chennai.
3. The Inspector General of Police,
Madurai, Madurai District.
4. The Deputy Inspector General of Police,
Dindigul Region,
Dindigul.
5. The Superintendent of Police,
Theni District,
Theni. ... Respondents 2 to 6/Respondents 2 to 6

COMMON PRAYER: These appeals have been filed under Clause 15 of the
Service Courts Act, 1963, against the order dated 13.10.2017 passed by a
learned Single Judge of this Court in W.P.(MD).No.19115 of 2017.

**Prayer in WP(MD) . 19115/ 2017:**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents 1 to 4 herein to take appropriate action against the respondents 5 and 6 on the basis of petitioners representation dated 4.10.2017 within the time stipulated by this Honble Court and in accordance with law.

For appellants in
both the appeals/
6th respondent in
both the appeals

: Mr.A.R.L.Sundaresan,
Senior Counsel for
Mr.A.N.Ramanathan

For 1st respondent
in both the appeals

: Mr.Veerakathiravan,
Senior Counsel for
M/s.Veera Associates

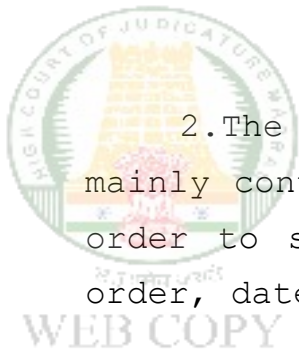
For respondents 2 to 5
in both the appeals

: Mr.D.Muruganandham,
Addl. Government Pleader

COMMON JUDGMENT

[Judgment of the Court was made by **R.SUBBIAH, J.**]

These appeals have been filed by the appellants / 5th and 6th respondents in W.P.(MD).No.19115 of 2017, aggrieved by the interim order passed by a learned Single Judge of this Court, dated 13.10.2017, whereby and whereunder the learned Single Judge directed the Inspector of Police, Town Police Station, Theni to hand over the whole records relating to Crime No.919 of 2017 forthwith to the Deputy Superintendent of Police, C.B.C.I.D., Madurai, who was in turn directed to conduct a fair investigation and submit a report on or before 30.10.2017.



2. The learned senior counsel appearing for the appellants mainly contended that no opportunity was given to the appellants in order to substantiate their case before passing the above interim order, dated 13.10.2017.

3. The learned senior counsel appearing for the first respondent submitted that as the order passed by the learned Single Judge is only an interim order, the writ appeals are not maintainable.

4. We have heard the learned counsel appearing for both sides and perused the records carefully. Though very many contentions have been raised by the learned counsel appearing for both sides with regard to the merits and demerits of the writ petition pending before the learned Single Judge, we ourselves refrained to deal with the same as they have an opportunity to raise the same before the learned Single Judge.

5. It is seen from the record that the main writ petition was filed by the first respondent seeking a direction to the respondents 2 to 5 herein to take appropriate action against the appellants herein / respondents 5 and 6 in the writ petition, based on his representation, dated 04.10.2017, within a stipulated time. A perusal of the interim order passed by the learned Single Judge shows that the learned Single Judge has not fixed any responsibility on any higher officials, including the appellants herein. Further, it is seen that since the allegations have been raised by the first respondent herein in the writ petition against the higher officials, the learned Single Judge opined that an enquiry should be conducted by an independent agency and accordingly, directed the Deputy Superintendent of Police, C.B.C.I.D., Madurai to conduct fair investigation, which will in no way prejudice the rights of the appellants herein. Absolutely, we do not find any merit in these appeals. If at all they are aggrieved by the said interim order, they can work out their remedy before the learned Single Judge.



6. With the above observation, both the writ appeals are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Director General of Police,
Mylapore, Chennai.
2. The Inspector General of Police,
Madurai, Madurai District.
3. The Deputy Inspector General of Police,
Dindigul Region,
Dindigul.
4. The Superintendent of Police,
Theni District,
Theni.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2cc to M/S.K.MUTHUGANESA PANDIAN, Advocate SR.No.87939.

Common Judgment in
W.A. [MD].Nos.1370 and 1371 of 2017
16.11.2017

gcg
SDS/SKN:RSK/SAR 1/17.11.2017/4P/8C