



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2017

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WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.1876 of 2017

and

W.M.P (MD) No.1540 of 2017

A.Manivannan

... Petitioner

Vs.

The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari calling for the records relating to the impugned order in P.R.No.01/2017, dated 2.1.2017 passed by the respondent and to quash the same.

For Petitioner : M/s.G.R.Swaminathan

For Respondent : Mr.A.K.Baskarapandian
Special Govt.Pleader

O R D E R

This Writ Petition has been filed, seeking for issuance of a writ of Certiorari calling for the records relating to the impugned order in P.R.No.01/2017, dated 2.1.2017 passed by the respondent and to quash the same.

2.Mr.A.K.Baskarapandian, learned Special Government Pleader takes notice for the respondent. By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3.The Petitioner has come forward with this Writ Petition challenging the charge-sheet, stating that he was not responsible for the incident and he has been unnecessarily made a scape-goat and that the petitioner cannot have any independent role and that he was submitting the report every fortnight and that the entire investigation was done by the Inspector of Police and completely
<https://hcmvscourtservices.in/> by the Superintendent of Police and that the Petitioner has no role and that the order of the High Court in granting compensation of Rs.2 lakhs to each of the offenders who have been



deleted based on the additional report submitted by the Police proceeding with the departmental enquiry will prejudice his interest.

4.As the enquiry is only in the initial stage, it is open to the Petitioner to put-forth his defense before the enquiry officer and the burden is on the department to establish the charges levelled against the Petitioner. This Court while expressed its opinion that the Writ Petition cannot be entertained, Mr.G.R.Swaminathan, learned counsel for the Petitioner submitted that he has sought for certain documents and if the same is furnished, it is helpful for him to substantiate his case. Without rendering merits of the matter, if the documents sought for by the Petitioner is helpful in establishing the factual issue, the same may be furnished to the Petitioner and the enquiry shall go on, on day-to-day basis without being adjourned beyond three working days at any point of time. The respondent is expected to complete the enquiry and to pass final orders within six months from the date of receipt of a copy of this order. The Petitioner is also directed to co-operate with the enquiry for early completion of enquiry.

5.With the above observations and directions, the Writ Petition stands disposed of. If the Petitioner is aggrieved by any of the final orders passed by the respondent, it is open to him to challenge the same in accordance with law. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar[CS II]

/True copy/

Sub Assistant Registrar

To:

The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

+1cc to M/S G.R.Swaminathan, Advocate, SR.No.6425

+1cc to Special Government Pleader, SR.6399

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