



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2017

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

WEB COPY

W.P. (MD) No.20465 of 2017

Sakthivel

... Petitioner

-Vs-

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The Deputy Superintendent of Police,
Thiruvaiyaru Sub-Division,
Thiruvaiyaru,
Thanjavur District.

3. The Inspector of Police,
Thogur Police Station,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent to appoint Thiru R.Alex as Special Public Prosecutor for conducting the prosecution case in Spl.S.C.No.38 of 2015 pending on the file of the learned I-Additional District and Sessions Judge (PCR Court), Thanjavur on the basis of the Petitioner's representation dated 05.09.2017.

For Petitioner : Mr.M.Viji

For Respondents : Mr.D.Muruganantham,
Additional Government Pleader

ORDER

This writ petition is for issuing a Writ of Mandamus, to direct the first respondent / District Collector, Thanjavur, to appoint one Mr.R.Alex as Special Public Prosecutor for conducting the prosecution case in Spl.S.C.No.38 of 2015, pending on the file of the learned I-Additional District and Sessions Judge (PCR Court), Thanjavur.

2. Heard the learned Counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents. By consent, this writ petition itself is taken up for final disposal.

3. It is represented that the petitioner has made a representation dated 05.09.2017 before the first respondent, who



is the competent authority to consider the prayer for appointment of a Special Public Prosecutor for conducting the prosecution.

4. The learned Counsel for the petitioner, though sought for a positive direction in the writ petition, has now confined his arguments and submitted that the petitioner will be satisfied, if a direction is issued to the first respondent to consider the petitioner's representation dated 05.09.2017.

5. In view of the limited scope of the prayer that is now sought, before this Court, by the learned Counsel for the petitioner, without expressing any opinion on the merits of the petitioner's claim, this Court is inclined to pass the following direction:

"The first respondent / District Collector, Thanjavur, is directed to consider the representation of the petitioner dated 05.09.2017 and dispose of the same, on merits and in accordance with law, after affording due opportunity of hearing to all the necessary parties, within a period of four weeks from the date of receipt of a copy of this order."

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The Deputy Superintendent of Police,
Thiruvaiyaru Sub-Division,
Thiruvaiyaru,
Thanjavur District.

3. The Inspector of Police,
Thogur Police Station,
Thanjavur District.

+1cc to Spl.Government Pleader Sr.No.85993

GK

VB/GT/SAR4/22/11/2017/2P/5C