

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Ninth day of August Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE R. MAHADEVAN

AND

THE HON`BLE MR JUSTICE P.D.AUDIKESAVALU

WP NO.20392 OF 2018

ELEPHANT G.RAJENDRAN,ADVOCATE [PETITIONER]
A BLOCK, D.NO.7,III FLOOR, SILVER PARK
APARTMENT, NO.36,THANIKACHALAM RODA,
T.NAGAR, CHENNAI-17

Vs

1 THE STATE OF TAMILNADU [RESPONDENTS]
REP BY THE ADDNL.CHIEF SECRETARY TO
GOVERNMENT, GOVERNMENT OF TAMILNADU,
SECRETARIAT, CHENNAI-9

2 THE SECRETARY TO GOVERNMENT
HOME DEPARTMENT, GOVERNMENT OF TAMILNADU,
SECRETARIAT, CHENNAI-9

3 THE SECRETARY TO GOVERNMENT
HINDU RELIGIOUS & CHARITABLE ENDOWMENTS,
GOVERNMENT OF TAMILNADU, SECRETARIAT,
CHENNAI-9

4 THE COMMISSIONER, HINDU
RELIGIOUS & CHARITABLE ENDOWMENTS,
NUNGAMPAKKAM, CHENNAI-34

5 THE DIRECTOR GENERAL OF POLICE
MYLAPORE, CHENNAI-4

6 MR.A.G.PON MANICKAVEL,IPS
THE INSPECTOR GENERAL OF POLICE, IDOL THEFT
WING C.I.D.OLD SIPCOT BUILDING, INDUSTRIAL
ESTATE, GUINDY, CHENNAI-32

7 THE SECRETARY TO GOVERNMENT
GOVERNMENT OF INDIA, DEPARTMENT OF PERSONAL
AND TRAINING, MINISTRY OF PERSONAL, PUBLIC
GRIEVANCES AND PENSION, NORTH BLOCK, NEW

8 THE SECRETARY TO GOVERNMENT
DEPARTMENT OF HOME AFFAIRS, GOVERNMENT OF
INDIA, NEW DELHI-110 001

9 THE DIRECTOR, CENTRAL BUREAU
OF INVESTIGATION, PLOT NO.5-B,CGO COMPLEX,
LODHI ROAD, NEW DELHI-110 001

10 THE JOINT DIRECTOR AND HEAD OF
CHENNAI ZONE, CENTRAL BUREAU OF
INVESTIGATION, 3RD FLOOR, EVK SAMPATH
BUILDING, COLLEGE ROAD, CHENNAI-6

11 MR.VENU SRINIVASAN
BOARD TRUSTEE A/M.SRI RANGANATHA SWAMI
TEMPLE,SRI RANGAM, TRICHY6-20 006 HAVING
RESIDENCE, AT NO.2,ADYAR CLUB GATE ROAD,
CHENNAI-28

12 THE ADDITIONAL DIRECTOR OF
POLICE,ECONOMIC OFFENCES WING, CHENNAI-32

Writ Petitions under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a Writ of Certiorari calling for the records relating the impugned order in G.O.Ms.No.885 of 2018 dated 01.08.2018 quash the same WP.20392/2018

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.ELEPHANT G.RAJENDRAN P-IN-P, for the petitioner and of MR.P.H.ARAVIND PANDIAN AAG ASST.BY MR.V.SHANMUGA SUNDAR, Special Government Pleader on behalf of the 1, 3, 5 & 12 Respondents and of MR.T.N.RAJAGOPALAN, GP on behalf of the the 2nd Respondent and of MR.KARTHIKEYAN, Sr.c for MR.MAHARAJAN, Special Government Pleader on behalf of the 4th Respondent the court made the following order:-

According to the petitioner, the Inspector General of Police and his team investigated the theft of idol cases, which brought to light various offences committed by various persons and recovery of many idols of 1500 years old. Subsequently, this Court, by order dated 21.07.2017, passed in CrI.OP.Nos.8690 and 12060 of 2017 entrusted the investigation of the idol theft cases to the team headed by the aforesaid Inspector General of Police, since the said officer was transferred to the Department of Railways. The aforesaid order of this Court was challenged by the State before the Hon'ble Supreme Court in SLP(Civil) Nos.6139 to 6140 of 2017, which was affirmed by the Hon'ble Supreme Court, by order dated 01.09.2017. It is the further case of the petitioner that in order to protract the proceedings so as to collaterally serve the interests of some influential persons, the Government issued a

notification, vide G.O.Ms.No.885 Home (SC) Department, dated 01.08.2018, according consent to the Central Bureau of Investigation (CBI) to investigate all under investigation cases being investigated by the special team constituted for the idol theft cases and in all such future cases. According to the learned counsel for the petitioner, the said G.O. is nothing but interference of investigation by the Idol wing and also with the orders of this Court as well as the Hon'ble Supreme Court. There is also nothing to show from the materials placed on record, as to whether CBI has been consulted so far, in order to immediately take over the under investigation cases and future cases, particularly, with reference to its existing manpower and infrastructural facilities available; having due regard to the fact that the number of idol theft complaints in the State is alarmingly high. Since the said G.O would bring the entire investigation as a standstill, the present writ petition came to be filed by the petitioner.

2.On 07.08.2018, when the matter was taken up for admission, this Court, considering the facts and circumstances of the case, granted an order of interim stay and directed the writ petition to be listed on 08.08.2018, at the request of Mr.P.H.Aravind Pandian, learned Additional Advocate General appearing for the respondents 1,3,5 and 12.

3.Since the day 08.08.2018 was declared as holiday, the matter came up for hearing today i.e., on 09.08.2018. Upon hearing Mr.Vijay Narayan, learned Advocate General, who sought time till 16.08.2018 for filing a counter affidavit, this Court adjourns the writ petition to 16.08.2018.

4.Call on 16.08.2018. In the mean time, the petitioner is directed to serve notice to the other respondents.

-sd/-

09/08/2018

/ TRUE COPY /

सत्यमेव जयते
Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

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TO GOVERNMENT, STATE OF TAMILNADU,
GOVERNMENT OF TAMILNADU, SECRETARIAT,
CHENNAI-9

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C.C. to MR.ELEPHANT G.RAJENDRAN P-IN-P Sr.No.9530

Order

in

WP.20392/2018

Date :09/08/2018

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RRI 10/08/2018 (IT)