



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2018

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD) No.1521 of 2018

WEB COPY

H.T.Sathiyadhas

... Petitioner

-Vs-

1.The Secretary to the Government,
Home Department,
Government of Tamilnadu,
Fort St.George,
Chennai - 9.

2.The Additional Director General of Police
(Administration),
O/o.The Director General of Police,
Mylapore, Chennai-4.

3.A.Ilango,
Additional Superintendent of Police,
District Crime Records Bureau,
Nagercoil-1,
Kanyakumari District,
(Now serving in Tirunelveli District)

4.Rajesh,
The Inspector of Police,
Nesamani Nagar Police Station,
Nagercoil-4,
Kanyakumari District,
(Now serving in Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 10.04.2017 and accord sanction prosecution to proceed the complaint pending in Cr.M.P.No.3466 of 2015 on the file of the learned Judicial Magistrate No.II, Nagercoil.

For Petitioner : Mr.V.Angusamy

For RR 1 & 2 : Mr.N.Shanmuga Selvam
Additional Government Pleader

For RR 3 & 4 : No Appearance

O R D E R

This writ petition has been filed to direct the first respondent to consider the petitioner's representation dated 10.04.2017 and accord sanction for prosecution of the respondents 3 and 4.



2. Heard, Mr.V.Angusamy, learned counsel appearing for the petitioner and Mr.N.Shanmuga Selvam, learned Additional Government Pleader, appearing for the first and second respondents.

3. There is no representation on behalf of the respondents 3 and 4. Hence after hearing the arguments of the learned counsel for the petitioner and the learned Additional Government Pleader who is appearing for the first and second respondents and after perusing the materials placed before this Court, order is being passed.

4. The learned counsel appearing for the petitioner has submitted that the petitioner herein has filed a private complaint against the third and fourth respondents for punishing them for their dereliction of duty before the learned Judicial Magistrate No.II, Nagercoil. He further submitted that the learned Judicial Magistrate No.II, has taken the said complaint on file in Cr.M.P.No.3466 of 2015 and directed the petitioner to get necessary sanction for prosecuting the respondents 3 and 4 and hence, the petitioner sent a representation to the first respondent on 10.04.2017. He further submitted that the first respondent, who is the competent authority to accord sanction has forwarded the said representation to the second respondent and hence, he requests this Court, to direct the first respondent, to consider the petitioner's representation and pass order in accordance with law.

5. The learned Additional Government Pleader appearing for the first and second respondents has submitted that after receipt of the representation from the petitioner, the first respondent has forwarded the same to the second respondent and the same is pending before the second respondent for consideration.

6. Admittedly, the first respondent is the competent authority for according sanction for prosecuting the third respondent. Therefore, the first respondent is directed to consider the petitioner's representation and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to the Government,
Home Department,
Government of Tamilnadu,
Fort St. George,
Chennai - 9.



2.The Additional Director General of Police
(Administration),
O/o.The Director General of Police,
Mylapore, Chennai-4.

WEB COPY

+1cc to M/s.Special Government Pleader,SR.No. 52977

W.P.(MD) No.1521 of 2018
01.03.2018

DAS
KK/JC/21.03.2018/SAR-1/3P-4C