



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27/07/2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE DR.JUSTICE ANITA SUMANTH**

W.A. (MD).No.887 of 2018

G.Selvaraj

... Appellant/Petitioner

Vs.

1.The Director General of Police,
State of Tamil Nadu,
Chennai-4.

2.The Commissioner of Police,
Tamil Nadu Special Police,
(Battalian-I)
Trichy-1.

... Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act to set aside the order of this Court, dated 08.12.2014, passed in W.P. (MD).No.19903 of 2014.

Prayer in WP(MD). 19903/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st Respondent to consider the petitioner's representation dated 18.10.2012.

For Appellant	: Mr.T.Lenin Kumar
For Respondents	:Mr.M.Jeya Kumar
	Addl. Govt. Pleader

JUDGMENT

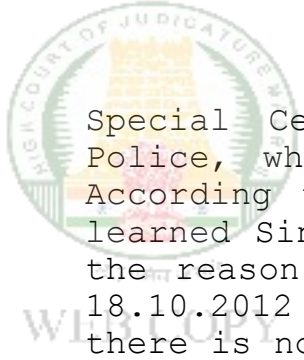
(Judgment of the Court was made by M.DURAI SWAMY,J.)

Challenging the order passed in W.P.(MD).No.19903 of 2014, dated 08.12.2014, the writ petitioner has filed the above writ appeal.

2.The appellant has filed the writ petition to issue a writ of mandamus directing the first respondent to consider the petitioner's representation dated 18.10.2012.

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3.It is the case of the petitioner that the petitioner has submitted a representation dated 18.10.2012 to the Chief Minister



Special Cell, which was forwarded to the Inspector General of Police, who in turn forwarded the same to the first respondent. According to the learned counsel appearing for the appellant, the learned Single Judge dismissed the writ petition as infructuous for the reason that the relief sought for in the representation dated 18.10.2012 was already considered by the respondent and therefore, there is no necessity for considering the representation once again. Challenging this order, the writ petitioner has filed the above writ appeal.

4. Heard Mr.T.Lenin Kumar, learned counsel appearing for the appellant and Mr.M.Jeya Kumar, learned Additional Government Pleader appearing for the respondents.

5. The learned counsel appearing for the appellant has submitted that though the appellant has given the representation as early as on 18.10.2012 to the Chief Minister Special Cell, which was forwarded to the first respondent through the Inspector General of Police, the first respondent has not considered the same yet.

6. Mr.M.Jeya Kumar, learned Additional Government Pleader appearing for the respondents submitted that in view of the Government Order in G.O.[2D].No.834, Home [Pol.9] Department, dated 14.12.2007, the claim made by the appellant cannot be granted to him and therefore, the learned Single Judge has rightly dismissed the writ petition as infructuous.

7. Having regard to the submissions made by the learned counsel on either side, we are of the considered view that the respondents could have considered the representation, dated 18.10.2012 and intimate the above referred G.O dated 14.12.2007 to the appellant. In these circumstances, we direct the first respondent to consider the petitioner's representation dated 18.10.2012, in the light of the G.O.[2D].No.834, Home [Pol.9] Department, dated 14.12.2007 and pass orders within a period of four weeks from the date of receipt of copy of this judgment.

8. With this observation, the writ appeal is allowed. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Director General of Police,
State of Tamil Nadu,

<https://hcservices.ecourts.gov.in/hcservices/>

Chennai-4.



2.The Commissioner of Police,
Tamil Nadu Special Police,
(Battalian-I)
Trichy-1.

+1CC to Mr.T.Lenin Kumar Advocate in SR.No.75437.

+1CC to Special Government Pleader in SR.No.75644.

VS

DS/SKN-RSK/SAR-4 :06.08.2018: 3P/5C

W.A. (MD) .No.887 of 2018
27.07.2018