

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 8.1.2019

CORAM
THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.9851 of 2011

M.Narayanappa

...Petitioner

Vs.

1.The Joint Registrar of
Co-operative Societies,
Krishnagiri.

2.The Special Officer/Co-operative
Sub Registrar,
Office of the Deputy Registrar,
Hosur.

3.R.Madavappa

...Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate action against the third respondent, after giving him due opportunity by considering the petitioner's representation, dated 28.2.2011.

For Petitioner	:	Mr.T.Sellapandian
For Respondent No.1	:	Mr.L.P.Shanmugasundaram
For Respondent No.2	:	Mr.M.S.Palanisamy
For Respondent No.3	:	Mr.V.Suthakar

ORDER

According to the petitioner, the third respondent attacked the petitioner with deadly weapon along with five other persons with a common intention to murder the petitioner. Therefore, the petitioner lodged a police complaint before the Thali Police station and the same has been registered in Cr.No.223 of 2004 under Section 147, 341, 324, 506(ii) and 307 of I.P.C. It is further submitted that the third respondent was arrested on 16.9.2004 and he was tried in S.C.No.186 of 2005 by the Assistant Sessions Judge, Hosur. The learned Judge by a judgment, dated 13.12.2010 convicted the third respondent under Section 341 and 326 I.P.C. and imposed a punishment of fine of Rs.100/- in default to undergo one year R.I. for the offence and imposed a punishment of four years R.I. and a fine of Rs.1000/-

respectively. Enclosing a copy of the judgment, the petitioner made a representation on 28.2.2011 to the respondents 1 and 2 to take action against the third respondent since he has been convicted and therefore, he cannot be permitted to continue in service, but no action has been taken by the respondents 1 and 2 against the third respondent. Therefore, the petitioner has approached this Court for the aforesaid prayer.

2. The learned counsels for the respondents 1 and 2 and the learned counsel for the third respondent would submit that challenging the judgment, dated 13.12.2010, delivered in S.C.No.186 of 2005, the third respondent preferred an appeal in CrI.A.No.72 of 2010 before the Principal Sessions Judge, Krishnagiri. The learned Principal Judge by judgment, dated 12.9.2012, allowed the Criminal appeal by setting aside the judgment, dated 13.12.2010 made in S.C.No.186 of 2005.

3. In view of the submission made by the learned counsel for the parties, nothing survives for adjudication and consequently, the writ petition has become infructuous.

Accordingly, the writ petition is dismissed as infructuous.
No Costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Joint Registrar of Co-operative Societies,
Krishnagiri.

2.The Special Officer/
Co-operative Sub Registrar,
Office of the Deputy Registrar,
Hosur.

+1cc to Mr.V.Suthakar, Advocate, S.R.No.2601
+1cc to Mr.M.S.Palanisamy, Advocate, S.R.No.2920
+1cc to the Government Pleader, S.R.No.2749

W.P.No.9851 of 2011

rrs 08/02/2019