

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:03.01.2019

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE R.PONGIAPPAN

W.P.No.34115 of 2018

K.Ponnuramgam

.. Petitioner

Vs.

1.The District and Sessions Judge,
Villupuram District, Villupuram.

2.The Chief Judicial Magistrate,
Villupuram District, Villupuram.

3.M.Durai

4.Murugan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 and 2 to complete the enquiry initiated on the complaint of the petitioner dated 11.10.2014 against the respondents 3 and 4.

For Petitioner : Mr.C.Prabakaran

For Respondents 1 & 2 : Mr.Thangavel

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Heard the Learned Counsel for the Petitioner as well as the Learned Counsel for Respondents 1 and 2.

2.To avoid an avoidable delay and to prevent an aberration of Justice, notice to Respondents 3 and 4 is dispensed with.

3.The Petitioner in the present Writ Petition seeks for passing of an order by this Court in directing the Respondents 1 and 2 to complete the enquiry initiated on his complaint dated 11.10.2014 against the Respondents 3 and 4.

4.On behalf of the Respondents 1 and 2, it is brought to

the notice of this Court that the 3rd Respondent had retired from service in the year 2016 and that Respondents 3 and 4 had submitted their explanations. Significantly, the 3rd Respondent [M.Durai] had offered his explanation dated 06.11.2014.

5. In view of the fact that the Petitioner's complaint is of the year 2014 and nearly 4 years have elapsed and obviously, there is no progression in the subject matter in issue. At this stage, this Court, in the interest of Equity, Fair Play, Justice and even as a matter of prudence, directs the Respondents 1 and 2 to complete the enquiry initiated on the complaint of the Petitioner, after affording sufficient opportunity to the Respondents 3 and 4 and also the Petitioner, by adhering to the Principles of Natural Justice, [including the aspects of furnishing of Enquiry report and of passing final orders in the Disciplinary Proceedings], within a period of six weeks from the date of receipt of copy of this order.

6. With the aforesaid direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The District and Sessions Judge,
Villupuram District, Villupuram.

2. The Chief Judicial Magistrate,
Villupuram District, Villupuram.

+1cc to Mr. C.Prabakaran, Advocate, S.R.No. 788

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SPD(CO)
GN(28/01/2019)