



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.07.2019**

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

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W.P(MD)No. 15465 of 2019
and WMP(MD)Nos.12106 & 12107 of 2019

P.Raghupathy : Petitioner

Vs.

1. The State of Tamil Nadu
Represented by its Principal Secretary to Government,
Public (Law and Order) Department,
Fort Saint George, Chennai - 600 009.
 2. The Director General of Police cum,
Chief of Prison Department,
Egmore, Chennai - 600 008.
 3. The Superintendent of Prison,
Central Prison, Trichy - 30.
 4. The Inspector General of Police,
Coastal Security Group,
Mylapore, Chennai - 600 004.
 5. The Enquiry Officer and
Additional Superintendent of Police,
Coastal Security Group,
Pattukottai Region i/c,
@ Coastal Security Group,
Ramanathapuram Region,
Ramanathapuram.
- : Respondents

PRAYER : This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Certiorarified Mandamus calling for the records relating to the proceedings Na.Ka.No.19/Koo.Kaa.Ka./Ka.Pa.Ku./Ramanathapuram/2019, dated 18.06.2019 issued by the fifth respondent and quash the same and consequently, direct the fifth respondent to continue the oral enquiry in P.R.No.1/2016 dated 22.03.2016 after the supply of all the documents to the petitioner in accordance with the order, dated 04.08.2017, passed by this Court in W.P.(MD) No.14558 of 2017.



For Petitioner : Mr.B. Karunanithi
For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader

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ORDER

The instant Writ Petition has been filed seeking direction to call for the records relating to the proceedings Na.Ka.No.19/Koo.Kaa.Ka./Ka.Pa.Ku./Ramanathapuram/2019 dated 18.06.2019 issued by the fifth respondent and quash the same and consequently, direct the fifth respondent to continue the oral enquiry in P.R.No.1/2016 dated 22.03.2016 after the supply of all the documents to the petitioner in accordance with the order, dated 04.08.2017 passed by this Court in W.P.(MD) No.14558 of 2017.

2. As per Order of this Court, dated 04.08.2017 in W.P.(MD) No.14558 of 2017, this Court observes that the petitioner is entitled to receive the documents as sought for and further observes that without furnishing the aforesaid documents, the respondents cannot proceed with the enquiry. Thereafter, the petitioner has preferred an appeal before this Court in W.A.(MD) No.1452 of 2017, which was dismissed on 30.11.2017, by confirming the order passed by the learned Single Judge. Thereafter, by impugned communication dated, 18.06.2019, it is informed to the petitioner that two documents relied on in the aforesaid communication are not traced out and therefore, they would obtain legal opinion to proceed further with the enquiry.

3. The learned counsel for the petitioner would submit that despite, the order passed by this Court without furnishing the documents, the respondents cannot proceed with the enquiry.

4. The learned Additional Government Pleader, on instructions, would submit before this Court that the aforesaid statement are not correct, the respondents cannot proceed with the enquiry. Hence, the said writ petition filed by the petitioner is liable to be rejected. On a perusal of the impugned communication, it is clearly revealed that in the light of the earlier order passed by this Court in W.P.(MD) No.14558 of 2017 dated 04.08.2017, the fourth respondent has not furnished the documents as requested by the petitioner. Therefore, for further action, they seek the legal opinion from the Law Officer. Therefore, at this stage, this writ petition cannot be entertained and the same is liable to be rejected.

5. It seems that the writ petitioner has filed the writ petition only on the apprehension, further there is no material placed before the Court by the petitioner that the respondent has proceeded with the enquiry further. Therefore, looking at any angle, the writ petition filed by the writ petitioner is prematured and the same is liable to be rejected.



6. Considering the facts and circumstances, the instant Writ Petition is dismissed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-I)

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/TRUE COPY/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Public (Law and Order) Department,
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Pattukottai Region i/c,
@ Coastal Security Group,
Ramanathapuram Region,
Ramanathapuram.

+1 CC to M/s.SPL GP (SR-75030[F] dated 12/07/2019)

+1 CC to M/s.B.KARUNANITHI, Advocate (SR-75254[F] dated 15/07/2019)

WP (MD) .No. 15465 of 2019
11.07.2019

KSA

JM/31.07.2019/3P-8C