



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.12.2019

CORAM

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P. (MD)No.26766 of 2019

M.Thiruchelvi

... Petitioner

Vs.

1. The District Collector,
Collector's office,
Virudhunagar District,
Virudhunagar - 626002.
2. The Deputy Superintendent of Police,
O/o.The Deputy Superintendent,
Virudhunagar Division,
Virudhunagar 626002.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the first respondent to appoint the Special Public Prosecutor on the petition of the petitioner dated 29.11.2019 to conduct the trial in Special S.C.No.14 of 2015 on the file of the Honourable Principal District and Sessions Court (PCR), Virudhunagar at Srivilliputtur.

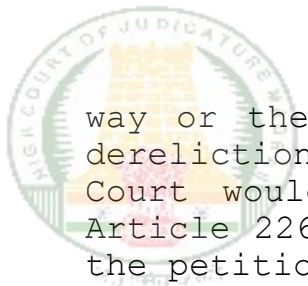
For Petitioner : Mr.T.Jeyachandran
For Respondents : Mrs. S.Bharathi
Government Advocate(Crl.Side)

ORDER

This Petition has been filed seeking direction to direct the first respondent to appoint the Special Public Prosecutor on the petition of the petitioner dated 29.11.2019 to conduct the trial in Special S.C.No.14 of 2015 on the file of the Honourable Principal District and Sessions Court (PCR), Virudhunagar at Srivilliputtur.

2. It is the grievance of the petitioner that he has submitted a representation to the first respondents on 29.11.2019 regarding appointment of the Special Public Prosecutor, which has not been considered by the first respondent till date and therefore, he has filed the present writ petition.

3. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one



way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

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4. In view of the limited prayer sought for in this writ petition and without going into the merits of the case, there shall be a direction to the first respondent to consider the petitioner's representation dated 29.11.2019 on its own merits and take further action in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner and to the rival parties if any.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Principal District and Sessions Court (PCR),
Virudhunagar, Srivilliputtur.
2. The District Collector,
Collector's office,
Virudhunagar District,
Virudhunagar - 626002.
3. The Deputy Superintendent of Police,
O/o.The Deputy Superintendent,
Virudhunagar Division,
Virudhunagar 626002.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.JEYACHANDRAN, Advocate (SR-105275[F] dated 17/12/2019)

VSG

TE : 06/01/2020 : 2P/6C

W.P. (MD)No.26766 of 2019
17.12.2019