

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.9836 of 2020

and

W.M.P.No.12024 of 2020

S.Kamal Rajan

... Petitioner

vs.

1. The Commissioner of Police,
132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai - 600 007.
2. The Assistant Commissioner of Police,
Home Guards Head Office,
Saidapet, Chennai - 600 015.
3. The Area Commander,
Home Guards South,
Saidapet, Chennai - 600 015.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records relating to Notices unnumbered dated 29.04.2020 and 10.06.2020 of the 3rd respondent and consequently quash the same as the same is frivolous, vexatious, mischievous with ulterior motive, pre-determined and against the Tamil Nadu Home Guards Rules framed under Section 12.

For Petitioner : Mr.T.Sivagnana Sambandan
For Respondents : Mr.P.S.Sivashanmuga Sundaram
Special Government Pleader

O R D E R

Petitioner, who is a Home Guard, has come up with the present Writ Petition challenging the unnumbered Notices dated 29.04.2020 and 10.06.2020 issued by the 3rd Respondent herein.

2. It is represented by the learned counsel for the Petitioner that, Home Guards have formed an Association in the

name of 'Home Guards Community Force' in terms of Section 10 of the Societies Act (Tamil Nadu Act 27 of 1975) and only for that purpose, Show Cause Notices have been issued to the Petitioner, which are pre-determined and mala fide.

3. Learned Special Government Pleader appearing for the Respondents submitted that, it is for the Petitioner to adjudicate the issues raised in the Charge Memo issued to him.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. In the present Writ Petition, the Petitioner was initially issued a Show Cause Notice dated 29.04.2020 by the 3rd Respondent and the Petitioner sent his reply to the same on 01.06.2020. Not being satisfied with the explanation, the 3rd Respondent sent another Show Cause Notice dated 10.06.2020 asking the Petitioner to appear before him.

6. It is represented by the learned Special Government Pleader that, the Petitioner appeared before the 3rd Respondent on 18.06.2020 and thereafter, a Charge Memo was issued to him on 18.07.2020.

7. In reply, learned counsel for the Petitioner submitted that, he could not bring the Charge Memo to the notice of this Court, as the Writ Petition has been filed on 06.07.2020, much prior to the receipt of Charge Memo by the Petitioner.

8. Though, there is force in the contention of the learned counsel for the Petitioner insofar as the non-disclosure of the receipt of Charge Memo is concerned, in the present case, as the Petitioner has challenged only the Show Cause Notices and appeared before the 3rd Respondent and gave his explanation, which has subsequently culminated into a Charge Memo, I find no reason to grant the relief sought for by the Petitioner.

Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

(aeb/jas)

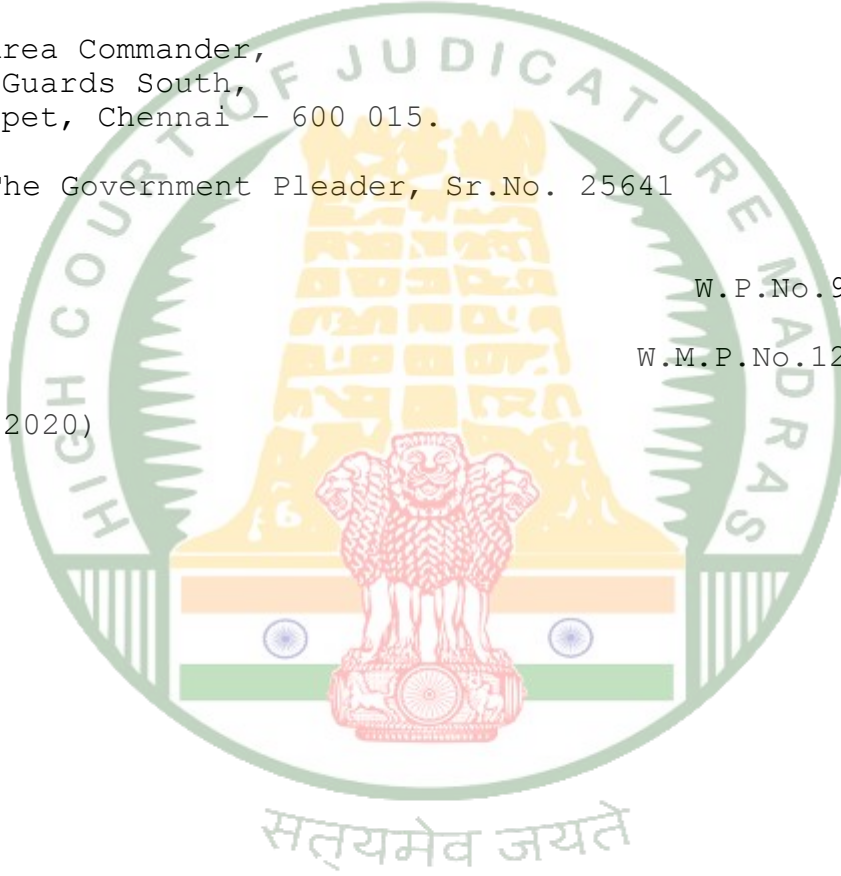
To:

1. The Commissioner of Police,
132, Commissioner Office Building,
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2. The Assistant Commissioner of Police,
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+1 cc to The Government Pleader, Sr.No. 25641

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and
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SSV(CO)
RMP(03/09/2020)



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