

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No.10149 of 2020
& W.M.P.No.12336 of 2020

Home Guards Community Force,
Represented by its President
M.Nagendran,
No.71/26, Kamaraj Nagar,
3rd Street, Gill Nagar,
Choolaimedu, Chennai - 600 094. Petitioner

Vs.

- 1.The Additional Chief Secretary,
Home Prohibition & Excise Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.Additional Director General of Police (Home Guards),
Tamil Nadu Police Department,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
- 3.The Inspector General of Police (Home Guards),
Tamil Nadu Police Department,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
- 4.Commissioner of Police,
Greater Chennai City of Police,
132, E.V.K.Sampath Road,
Vepery, Chennai - 600 007.
- 5.Area Commandant General
Home Guards Head Office,
Saidapet, Chennai - 600 015.

6.Area Commandant (All Zones)
Home Guards Head Office,
Saidapet, Chennai - 600 015.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus to direct the 4th, 5th and 6th respondent not to issue notices on frivolous, vexatious, flimsy charges on the members of Home Guards Community Force Association with pre-determined to disturb and scuttle the association and bring stigma in Home Guards who are members.

For Petitioner ... Mr.T.Sivaganansambandan

For Respondents ... Mr.R.Vijayakumar,
AGP., for RR1 to 6

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner, which is a registered Association representing Home Guards, has come forward to file this writ petition seeking a direction to respondents 4 to 6 not to issue notices on frivolous action on its members deliberately and on purpose.

2.The learned counsel for the petitioner submitted that such an action is being taken in order to wreck vengeance on the petitioner having registered the Association. Therefore, the writ petition will have to be allowed.

3.In the counter affidavit filed, it has been stated that there is no right for the petitioner to register the Association and in any case, action is being taken against the individuals for the misconduct and irregularities committed by following due procedure.

4.The learned counsel appearing for the petitioner, by way of reply, submitted that the question of legality of the registration may be left open and therefore, the incidental issue will have to be considered.

5.The learned Additional Government Pleader raised the question of maintainability of this writ petition on two grounds

viz., (i) inasmuch as the registration itself is not permissible and (ii) the public interest litigation is filed in the service matter.

6. In view of the submission made by the learned counsel for the petitioner, we are not willing to go into the issue of registration. However, we find that the objection raised by the learned Additional Government Pleader has to be sustained on the maintainability of the writ petition in service matter. Further more, from the counter affidavit filed, it appears that proceedings have been initiated against the named individuals for the irregularities committed by them. Therefore, those persons have worked out their remedy in the manner known to law. In fact, in one case final order has been passed against which an appeal was filed, which was found to be barred by limitation. The writ petition as filed is not maintainable and even otherwise the prayer as sought for cannot be granted being vogue.

7. Accordingly, the writ petition stands dismissed leaving the issue of registration on behalf of the Home Guards open. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar

raa / kmk

To

1. The Additional Chief Secretary,
Home Prohibition & Excise Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. Additional Director General of Police (Home Guards),
Tamil Nadu Police Department,
Dr. Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

3.The Inspector General of Police (Home Guards),
Tamil Nadu Police Department,
Dr.Radhakrishnan Salai,
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4.Commissioner of Police,
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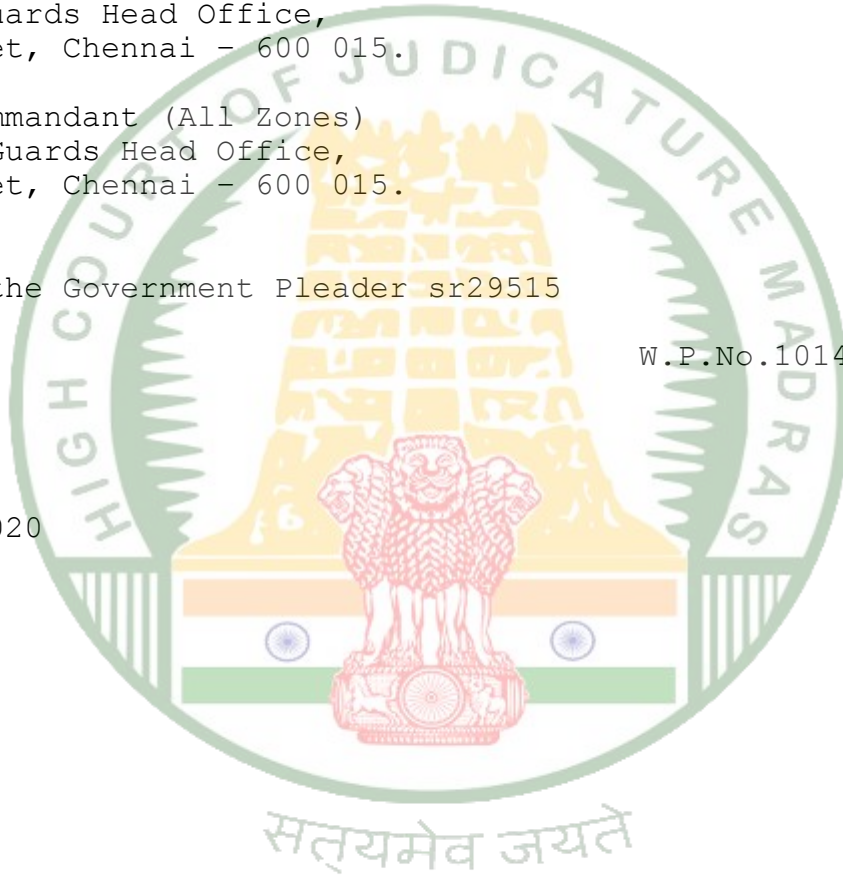
5.Area Commandant General
Home Guards Head Office,
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6.Area Commandant (All Zones)
Home Guards Head Office,
Saidapet, Chennai - 600 015.

+1 cc to the Government Pleader sr29515

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