



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No. 7371 of 2015andM.P.(MD)Nos.1 and 2 of 2015

K.Kumaresan

... Petitioner

Vs.

1. The Superintendent of Police,
Tuticorin District,
Tuticorin.

2. The Enquiry Officer/
Assistant Superintendent of Police,
Kovilpatti,
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a **Writ of Certiorari**, calling for the records relating to the impugned order passed by the 1st respondent dated 17.04.2015 in C.No.F1/PR No.64/2014 and quash the same.

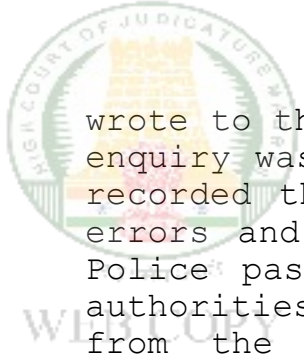
For Petitioner : Mr.R.Vijayakumar

For Respondents : Mr.A.Murugandam,
Additional Government Pleader.

ORDER

The order impugned dated 17.04.2015 passed by the Superintendent of Police, Tuticorin District reveals that the oral enquiry against the writ petitioner was not conducted in a proper manner and accordingly, directed to conduct De-nova enquiry so as to enquiry the witnesses properly.

2.The petitioner is working as Special Sub Inspector of Police. On account of some service allegations, a criminal case was registered against the petitioner in Crime No.15 of 2014. Simultaneously, departmental disciplinary proceedings were also initiated. The Superintendent of Police scrutinized the minutes regarding the conduct of the enquiry against the writ petitioner. While perusal of the minutes recorded, the disciplinary authority



wrote to the Superintendent of Police formed a opinion that the oral enquiry was not conducted properly and Superintendent of Police has recorded the errors occurred in the oral enquiry. Citing all the errors and in order to rectify such errors, the Superintendent of Police passed the impugned order dated 17.04.2015, directing the authorities to conduct De-nova enquiry by obtaining fresh statements from the prosecution witnesses and accordingly, preferred the minutes and sent same to the disciplinary authority.

3.This Court is of the considered opinion that the if the enquiry is conducted improperly, the disciplinary authority can intervene and pass an order for De-nova enquiry. A very purpose of De-nova enquiry is to rectify mistakes occurred during the examination of witnesses. In the present case, while scrutinizing the statements, the Superintendent of Police found that certain errors occurred and immediately directed the disciplinary authority to conduct De-nova enquiry by obtaining fresh statements from the prosecution witnesses.

4.This Court is of the opinion that there is no infirmity or perversity in the impugned order and accordingly, De-nova enquiry is to be conducted to rectify the errors, enabling the disciplinary authority to conclude the disciplinary proceedings at the earliest possible. The writ petitioner is also bound to cooperate in the enquiry proceedings so as to conclude the same as expeditiously as possible.

5.With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Superintendent of Police,
Tuticorin District,
Tuticorin.



2. The Enquiry Officer/
Assistant Superintendent of Police,
Kovilpatti,
Tuticorin District.

+1 CC to Mr.R.VIJAYA KUMAR, Advocate SR-23213.
+1 CC to the SPL GP SR-23369.

W.P[MD)]No. 7371 of 2015
27.11.2020

KG(CO)
CS(07.12.2020) 3P 5C