

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4260 of 2021

P.A.Appasamy

... Petitioner

Vs

1. The Director General of Police,
Mylapore, Chennai - 600 004.

2. The Joint Commissioner of Police,
North Zone, Chennai.

3. The Deputy Commissioner of Police,
Washermenpet District. Chennai.

.... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the 2nd respondent to furnish the copies to the petitioner as per the order passed by the 1st respondent herein through his proceedings No.Rc.No.185500/AP.3(3)/2008 dated 13.12.2008, in pursuant to the petitioner's continuous representation addressed to the above 1st and 2nd respondent in various dates viz., 16.09.2008, 22.12.2011, 03.12.2020, 12.12.2020 and 12.01.2021.

For Petitioner : Mr.P.Gurunathan

For Respondent : Mr.P.Karthikeyan
Additional Government Pleader

O R D E R

This writ petition has been filed, seeking a direction to the 2nd respondent to furnish the copies to the petitioner as per the order passed by the 1st respondent herein through his proceedings No.Rc.No.185500/AP.3(3)/2008 dated 13.12.2008, in pursuant to the petitioner's continuous representation addressed to the above 1st and 2nd respondent in various dates viz., 16.09.2008, 22.12.2011, 03.12.2020, 12.12.2020 and 12.01.2021.

2. Mr.S.Karthikeibalan, learned Government Advocate takes notice for respondents. By consent, the Writ Petition is taken

up for final disposal at the admission stage.

3. According to the petitioner, the petitioner has approached the respondents for providing the copies pertaining to PR.No.55/PR.2 (1)/96 u/r 3(a) of TNPSS (D&A) Rules, dated 04.11.1996 through RTI. Though the same was replied vide RTI reply dated 29.10.2019, 11.1.2019 14.11.2019 and 10.01.2020 by the respondents concerned, there is no clear answer with regard to availability of the documents belong to the petitioner. However, the learned counsel for the petitioner submitted that it would suffice, if the Mercy Petitioner filed by the petitioner is directed to be considered by the respondents.

4. In view of the limited prayer sought for by the petitioner and considering the fact that the Mercy Petition of the petitioner is pending with the authorities concerned for nearly 8 years, this Court directs the first respondent to consider the Mercy Petition of the petitioner, the last one of which dated 12.01.2021 and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of 120 days from the date of receipt of a copy of this order. The petitioner shall appear for personal hearing on the specified date fixed by the 1st respondent either physically or virtually or he shall send a written submission through registered or speed post, which can be treated as a personal hearing. In case the petitioner fails either to appear in-person or submit his written submission, there is no bar for the 1st respondent to pass orders on the mercy petition based on the available documents before him and the petitioner, at a later point of time, cannot take a plea that opportunity of hearing was not afforded.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum

To:

1. The Director General of Police,
Mylapore, Chennai - 600 004.

2. The Joint Commissioner of Police,
North Zone, Chennai.

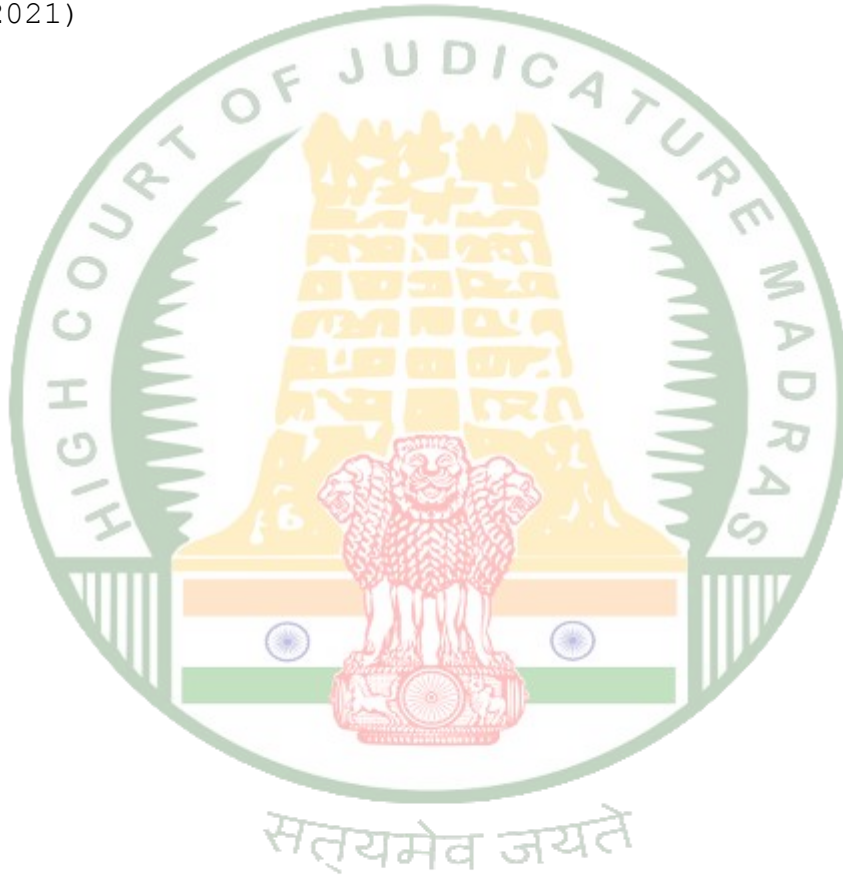
3. The Deputy Commissioner of Police,
Washermenpet District. Chennai.

+1cc to Mr.P.Gurunathan, Advocate, S.R.No. 11789

+1cc to the Government Pleader, S.R.No.11875

W.P.No.4260 of 2021

SMI (CO)
GN(23/03/2021)



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