



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 09.09.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

W.P. (MD) No. 6154 of 2021

K.Karuppanan

... Petitioner

Vs.

1.The Inspector General of Police,
South Zone,
Madurai.

2.The Superintendent of Police,
Madurai District,
Madurai.

3.The Revenue Divisional Officer,
Madurai District,
Madurai.

4.The Inspector of Police,
Alanganallur Police Station,
Madurai District.

5.Sivalingam,
Village Administrative Officer,
Kumaram,
Madurai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of a **Writ of Mandamus**, to direct the Respondents 1 to 3 to transfer the investigation of the petitioner's complaint, registered in CSR.No.59/2021 to the appropriate competent Authority and consequently take appropriate action against the Respondents 4 & 5 in accordance with law, based on the petitioner's representation dated 09.03.2021.

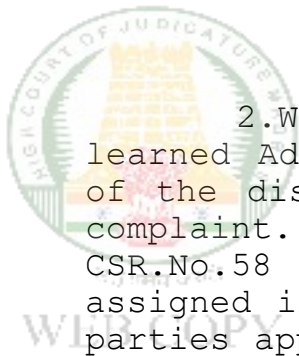
For Petitioner : Mr.S.Vikram

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor

ORDER

This writ petition is filed seeking a direction to direct the respondents 1 to 3 to transfer the investigation registered in CSR.No.59/2021, on the file of the fourth respondent herein, to the appropriate competent Authority and consequently, take appropriate action, against the respondents 4 & 5 in accordance with law, based on the petitioner's representation, dated 09.03.2021.



2. When the matter was taken up for hearing, on 24.06.2021, the learned Additional Public Prosecutor has submitted that in respect of the dispute, both parties have given a complaint and counter complaint. The complaint given by the petitioner was assigned in CSR.No.58 of 2021 and the complaint given by the counter party was assigned in CSR.No.59 of 2021. During the course of enquiry, both parties appeared before the Enquiry Officer and enquiry is going to be closed. For intimating the outcome of the enquiry, the matter was listed today.

3. When the matter taken up for hearing, the learned Additional Public Prosecutor would submit that the petitioner did not co-operate with the enquiry. On that basis, it was closed, on 10.06.2021. Since the petitioner did not appear before the Enquiry Officer and co-operate with him to complete the enquiry, the question of transfer of investigation does not arise.

4. But, however, the learned counsel for the petitioner would submit that one more opportunity has to be given to the petitioner to appear before the Enquiry Officer for completing the same.

5. Such a sort of contention cannot be accepted. After enquiry has been undertaken, the petitioner was called for attending enquiry. But, avoiding the same, he filed this petition and again seeking time to appear before the Enquiry Officer. This attitude cannot be encouraged. So, I find no reason for directing the petitioner once again, to appear before the Enquiry Officer.

6. Since the complaint has been closed, the question of transfer of investigation, does not arise. However, the petitioner is at liberty to work out his remedy through appropriate proceedings.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Inspector General of Police,
South Zone,
Madurai.
- 2.The Superintendent of Police,
Madurai District,
Madurai.
- 3.The Revenue Divisional Officer,
Madurai District,
Madurai.
- 4.The Inspector of Police,
Alanganallur Police Station,
Madurai District.
- 5.Village Administrative Officer,
Kumaram,
Madurai District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P. (MD)No.6154 of 2021
09.09.2021

RS (20.09.2021) 3P 7C