



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.15458 of 2021
& WMP(MD) Nos.12358 & 12359 of 2021

M.Stephan ... Petitioner

Vs.

1.The Secretary,
Home Department,
Government of Tamil Nadu,
Secretariat, Chennai.

2.The Director General of Police,
Chennai.

3.The Deputy Inspector General of Police,
Madurai Range, Madurai. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the summons in C.No.A2/3467/287/2018 Dated 04.08.2021, signed on 06.08.2021 by the third respondent and quash the same.

For Petitioner : M/S.S.Sureshkumar
For Respondents : Mr.A.K.Manikkam,
For State.

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorari, to call for the records relating to the summons issued in C.No.A2/3467/287/2018 Dated 04.08.2021, signed on 06.08.2021 by the third respondent and quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned Counsel appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.The writ petitioner has challenged the impugned summons issued by the third respondent on 04.08.2021 directing the petitioner to appear for the oral enquiry fixed on 27.08.2021 against one Simson Prathap Singh, who was one of the co-delinquents placed under suspension, wherein, the petitioner was cited as one of



the prosecution witnesses among others. Along with Simson Pratap Singh, one Eswaran and Chandra Paul who were also implicated as co-delinquents for the charges framed under Section 17(b) of TNCS (D&A) Rules against the aforesaid delinquents as similarly framed as against the petitioner. In so far as one Eswaran and Chandra Paul are concerned, they are shown as witnesses in Witnesses List at Serial nos.12 and 21 in the impugned summons. According to the petitioner, when one of the co-delinquents who has been implicated in the impugned charges for the very same allegations in the charge memo, subsequently, he has been included as a witness in the aforesaid charges. Therefore, according to the petitioner the said action of the third respondent is arbitrary, discriminatory and illegal. Challenging the same, the present writ petition has been filed by the petitioner before this Court.

5. At this stage, this Court is not inclined to entertain the writ petition since the third respondent has served summons to the petitioner for the enquiry and the said summons were challenged by the petitioner before this Court. It is open to the petitioner to submit his explanation with relevant documents before the authority concerned and it is for the authority concerned to take an appropriate decision on the same. In view of the above, the prayer as sought in the Writ Petition cannot be entertained. Hence, the writ petition fails and accordingly, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

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 Secretary,
Home Department,
Government of Tamil Nadu,
Secretariat, Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Director General of Police,
Chennai.

3.The Deputy Inspector General of Police,
Madurai Range, Madurai.

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MGJ(07.10.2021) 3P 4C