



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.4185 of 2022
and
W.M.P.No.4330 of 2022

S.Ramamoorthy

...Petitioner

Vs.

1.The Collector
Thirupathur District.

2.The Tahsildar
Thirupathur Taluk,
Thirupathur District.

3.The Inspector of Police,
Thirupathur Town Police,
Thirupathur Taluk & District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Declaration, declaring that the complaint given by the Tahsildar, Thirupathur Taluk on 07.09.2021 consequential FIR of the Inspector of Police, Thirupathur Town Police, Thirupathur Taluk, Thirupathur District without proper enquiry as per the direction in W.P.No.21211 of 2010 dated 18.07.2019 illegal ultravires and against the principles of natural justice.

For Petitioner : Mr.G.Appavu

For R3 : Mr.A.Gokulakrishnan
Additional Public Prosecutor.

For R1 & R2 : No appearance.

O R D E R

The Writ Petition has been filed to declare the complaint given by the Tahsildar, Thirupathur Taluk on 07.09.2021 consequential FIR of the Inspector of Police, Thirupathur Town Police, Thirupathur Taluk, Thirupathur District without proper enquiry as per the direction in W.P.No.21211 of 2010 dated



18.07.2019.

2. Learned counsel for the petitioner would submit that the petitioner is a retired Employment Officer. He got retired on 31.07.2010 without any blemishes. However, based on the direction from this Court in W.P.No.21211 of 2010 dated 18.07.2019, the respondent had registered a case in Crime No.590 of 2021 against the petitioner and 7 others for offence under Sections 120B, 167, 420, 468, 471, 477-A of IPC. He would further submit that this Court while disposing of the W.P.No.21211 of 2010 dated 18.07.2019 had directed the District Collector to conduct an enquiry and take action against the officials who have committed irregularities and file final report before this Court. Whereas, the District Collector without even conducting an enquiry had given a complaint.

3. Per contra, learned Additional Public Prosecutor would submit that enquiry does not mean that the petitioner who is an accused in this case has to be enquired before registering a case. Based on the direction of this Court, enquiry was conducted by the District Collector and he had forwarded the complaint to direct the Tahsildar, Thirupathur Taluk to file a complaint as per the enquiry report. The petitioner, who was working as an Employment Officer during the relevant period of time had colluded and conspired with other officials/accused and by tampering of records and fabrication of documents had selected ineligible persons for the post of Village Assistant. He would further submit that the investigation is at the initial stage and a case has been registered after following the due procedures in accordance with law.

4. Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the 3rd respondent and perused the materials available on record.

5. It is seen that this Court vide order dated 18.07.2019 had directed the District Collector to conduct an enquiry and take action against the officials. Pursuant to the same, the District Collector had conducted the enquiry and Tahsildar has been directed to file a complaint. This Court does not find any irregularity in registration of the case.

6. This petition is not maintainable. Accordingly, this Writ Petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar



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To

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- 1.The Collector
Thirupathur District.
- 2.The Tahsildar
Thirupathur Taluk,
Thirupathur District.
- 3.The Inspector of Police,
Thirupathur Town Police,
Thirupathur Taluk & District.
4. The Public Prosecutor,
High Court of Madras.

+1cc to M/s.G.Appavu, Advocate, S.R.No.13292

W.P.No.4185 of 2022
and
W.M.P.No.4330 of 2022

PMK (CO)
SB(18/03/2022)