



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.NO.12110 OF 2022

E.Rajendra Kannan

.. Petitioner

Vs

1. The Registrar General,
High Court of Madras,
Chennai.

2. K.H.Elavazhagan,
Enquiring Officer,
Sessions Judge,
Sessions Court For Exclusive Trial of
Bomb Blast Cases, Chennai,
Poonamallee, Chennai-56.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the second respondent from in any manner proceeding with the enquiry proceedings in ROC No.501/2017/VC pending the decision of the High Court of Madras on the application of the petitioner dated 21.04.2022 seeking for change of the enquiry proceedings to some other enquiry officer.

For the Petitioner : Mr.S.Prabhakaran
Senior Counsel
for Mr.S.Conscious Ilango

For the Respondents : Mr.Karthik Ranganathan

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

This writ petition has been filed to seek a direction for change of the Enquiring Officer appointed by the competent authority to enquire into the charges levelled against the petitioner.



2. The petitioner has given reference to many incidents so as to seek the direction for change of the Enquiring Officer, which has been opposed by learned counsel appearing for the side opposite.

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3. The allegations levelled by the petitioner against the second respondent need determination of questions of fact which cannot adjudicated while exercising jurisdiction under Article 226 of the Constitution of India. However, the Court in order to repose confidence in the mind of the parties and to uphold the majesty of law, hereby directs that the enquiry proceedings would be completely videographed. The Registrar General is directed to communicate the aforesaid direction to the second respondent. This is to ensure that no hindrance whatsoever is caused during the enquiry and if any obstruction is caused by anyone, it would be on record. The videograph shall be preserved till a final decision is taken in the disciplinary proceedings.

4. The writ petition is disposed of with the direction aforesaid, while rejecting the prayer to change the Enquiring Officer. The petitioner would be expected to cooperate with the enquiry so that it may be completed at the earliest. If the conduct of either of the party is found to be unbecoming of the post they are holding, the same would be viewed seriously. There will be no order as to costs. Consequently, W.M.P.Nos.11541 and 11543 of 2022 are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To:

1. The Registrar General,
High Court of Madras,
Chennai.
2. K.H.Elavazhagan,
Enquiring Officer,
Sessions Judge,
Sessions Court For Exclusive Trial of
Bomb Blast Cases, Chennai,
Poonamallee, Chennai-56.



Copy To

1. The Registrar,
Vigilance Cell,
High Court, Madras - 104.

2. The Section Officer,
Legal Cell,
High Court, Madras - 104.

W.P.No.12110 of 2022

EV (CO)
RLP (30/06/2022)