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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.27537 of 2021

Dr.G.Ilangovan

... Petitioner

Vs

1.The State of Tamil Nadu,
Represented by its
Additional Chief Secretary to Government,
Home Department (Courts (VI)),
Secretariat, Chennai - 600 009.

2.The Director of Prosecution,
The Tamil Nadu Slum Clearance Board,
Annex Building, 1st Floor,
No.5, Kamarajar Salai,
Chennai - 600 005.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider and pass appropriate orders on the recommendation of the second respondent in Rc.No.7117/A3/DOP/2019 dated 21.09.2021.

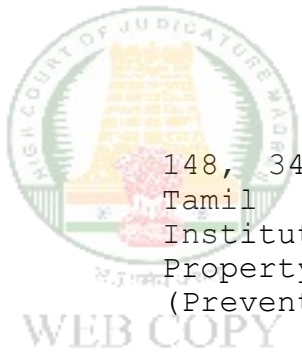
For Petitioner : Mr.S.Selvathirumurugan

For Respondents: Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the first respondent to consider and pass appropriate orders on the recommendation of the second respondent in Rc.No.7117/A3/DOP/2019 dated 21.09.2021.

2. The case of the petitioner is that on 05.01.2014, due to previous enmity one Gokulakrishnan and others assaulted the petitioner at his hospital and ransacked all the properties belonging to the petitioner's hospital. Based on the complaint given by the petitioner, a case in Crime No.21 of 2014 was registered by the Inspector of Police (L & O), K.K.Nagar Police Station, Chennai for the offences punishable under Sections 147,



148, 341, 323 and 506(ii) of IPC read with Section 3 of the Tamil Nadu Medical Service Persons and Medicare Service Institution (Prevention of Violence and Damage or Loss to Property) Act, 2008 and Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992.

3. After completion of the investigation, the Inspector of Police (L & O), K.K.Nagar Police Station, Chennai, has filed the Final Report and the case was taken up for trial in C.C.No.1298 of 2015 and it is pending trial on the file of the learned 1st Additional Sessions Judge, Chennai and it is assigned as S.C.No.288 of 2019.

4. The petitioner being dissatisfied with the trial conducted by the Public Prosecutor one Tmt.Anitha, had sent a representation dated 02.09.2021 to the first respondent to change the Public Prosecutor and appoint another Public Prosecutor for effective conduct of trial.

5. The Director of Prosecution/the second respondent herein by a letter dated 21.09.2021 bearing reference Rc.No.7117/A3/DOP/2019 had recommended the first respondent to change the present Public Prosecutor and appoint one Tmt.Rajendran Gayathri, the Assistant Director of Prosecution, Alandur to conduct the trial in the petitioner's case. However, despite the recommendation being made on 21.09.2021, no orders have been passed by the first respondent till date and thereby there is delay in the trial also.

6. The learned Additional Public Prosecutor would submit that the second respondent has sent a recommendation to the first respondent on 21.09.2021 and it is pending consideration on the file of the first respondent.

7. Heard both sides and perused the materials available on record.

8. The grievance of the petitioner is that the present Public Prosecutor is not conducting the case in an effective manner. Thereby, the petitioner had sent a representation to the second respondent. Taking into consideration the grievance of the petitioner, the second respondent by a letter dated 21.09.2021 in Rc.No.7117/A3/DOP/2019, had recommended for change of Public Prosecutor. However, it has not been considered by the first respondent so far.

9. In view of the above, a direction is issued to the first respondent to pass appropriate orders on the recommendation dated 21.09.2021 of the second respondent to appoint a new Public Prosecutor within a period of three weeks from the date



of receipt of a copy of this order.

10. This Writ Petition stands disposed of with the above directions and observations. No costs.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rgm/arb

To

1.The Additional Chief Secretary to Government,
Home Department (Courts (VI)),
Secretariat,
Chennai - 600 009.

2.The Director of Prosecution,
The Tamil Nadu Slum Clearance Board,
Annex Building, 1st Floor,
No.5, Kamarajar Salai,
Chennai - 600 005.

3.The Public Prosecutor,
High Court of Madras.

+1cc to M/S.S.Selvathirumurugan, Advocate, S.R.No.20001

W.P.No.27537 of 2021

JP-II(CO)
SB(28/03/2022)