



WEB COPY



WP.No.6210/2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.09.2022

CORAM

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

WP.No.6210/2019

M.John Teddy

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Petitioner

Versus

1.The Director General of Police
Tamil Nadu, Chennai 600 002.

2.The Deputy Inspector of Police
Armed Police, Chennai 600 010.

3.The Commandant
5th Battalion, Tamil Nadu
Special Police, Avadi,
Chennai 600 109.

4.The Assistant Commandant
VII Battalion
Tamil Nadu Special Police
Avadi, Chennai 600 109.

..

Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent to dispose of the Review petition dated 25.11.1997 of the petitioner so that the petitioner will be reinstated in service with all other consequential benefits.



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For Petitioner : Ms.Kavitha Deenadhayalan

For Respondents : Mr.J.C.Durairaj
Additional Government Pleader

ORDER

(1)The prayer sought for herein is as follows:-

"Writ petition filed for issuance of a writ of mandamus directing the 1st respondent to dispose of the Review petition dated 25.11.1997 of the petitioner so that the petitioner will be reinstated in service with all other consequential benefits."

(2)The petitioner was working as Police Constable at the respondents Department and due to a disciplinary proceedings initiated against him, he was removed from service, as against which he filed an Appeal Petition which was disposed of by the Appellate Authority as against which the revision petition he had filed on 25.11.1997 to the 1st respondent and the same according to the petitioner, since has not been considered for several years, he has approached this Court by filing the present writ petition for a mandamus to dispose of the said review petition.



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(3) However, when the matter is taken up for final hearing today, Mr.J.C.Durairaj, learned Additional Government Pleader appearing for the respondents has relied upon the averments made in paragraphs No.10 to 12 of the counter affidavit filed by the respondent. It is relevant to extract the same:-

"10.It is respectfully submitted that in pursuance to the order of the Hon'ble Court the Deputy Inspector General of Police, Chennai-10 vide Na.Ka.No.C1/12786/2009 dated 23.02.2011 rejected the Review Petition of the petitioner.

11.It is respectfully submitted that the petitioner has again submitted a Mercy Petition to the Director General of Police, Chennai-4 on 23.03.2015. The Director General of Police has rejected the petition vide Rc.No.48271/AP3[1]/2015, dated 02.12.2016. the proceedings of the Director General of Police was annexed for the kind perusal of the Hon'ble Court.

12.It is respectfully submitted that the petitioner has filed the present writ petition to direct the respondents to dispose off the Review Petition dated 25.11.1997, whereas the petition of



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the petitioner was already been considered by the Deputy Inspector General of Police, Chennai-10 and passed orders on 23.02.2011 vide Na.Ka.No.C1/12786/2009."

(4) Relying upon these averments, the learned Additional Government Pleader would contend that the said Review Petition has already been disposed of in Na.Ka.No.C1/12786/2009 dated 23.02.2011 rejecting the said Review application of the petitioner.

(5) He has further submitted that once again the petitioner filed a Mercy Petition to the 1st respondent/Director General of Police on 23.03.2015 which was also rejected by the 1st respondent by his proceedings dated 02.12.2016.

(6) When that being so, the present writ petition has been filed as if the Review Petition dated 25.11.1997 has not so far been disposed of. But, the fact remains that it was disposed of long back and further, the Mercy Petition was also disposed of. Hence, nothing survives in this writ petition. Hence, the learned Additional Government Pleader thus prays for dismissal of this writ petition.

(7) However, the learned counsel for the petitioner on instructions would submit that the order passed by the Reviewing Authority dated



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23.02.2011 as averred in the counter affidavit has not been served on the petitioner.

(8)I have considered the said rival submissions made by the learned counsel on either side and also perused the materials placed before me.

(9)If at all the order passed by the Reviewing Authority dated 23.02.2011 has not been served on the petitioner, on what basis the petitioner has filed further Mercy Petition before the 1st respondent on 23.03.2015 is not known. Even that Mercy Petition was also disposed off by the Director General of Police on 02.12.2016. Therefore, all avenues have been availed by the petitioner, of course, unsuccessfully. Therefore, once again the petitioner cannot seek for any mandamus as prayed herein and in that view of the matter, by recording the said averments made in the counter affidavit, this Court feels that the writ petition can be dismissed.

(10)Accordingly, the writ petition stands **dismissed**. No costs.

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AP
Internet : Yes



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To

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R.SURESH KUMAR, J.,

AP

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