



W.P.(MD) No.11153 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2022

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.11153 of 2013

M.P.No.2 of 2013

Laxmanan

... Petitioner

-VS-

1.The District Collector
Tirunelveli City.

2.The Assistant Commissioner
Law and Order
Palayamkottai, Tirunelveli City.

3.K.Sarankapani

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records relating to the proceedings of the 1st respondent made in Na.Ka.No.A2/25058/2012 dated 11.06.2013 and quash the same.

For Petitioner : Mr.N.Mohideen Basha

For Respondents : Mr.A.Thiruvadikumar for R1 & R2
Additional Public Prosecutor
Mr.Manimaran for R3



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filing a protest petition and work out his remedy.

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4. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor for the respondents 1 and 2 and the learned counsel for the third respondent.

5. In the considered view of this Court, the second respondent took up the investigation and had recorded the statement from the witnesses and on the basis of the materials that were collected during the course of investigation, a closure report came to be filed. Once a closure report is filed, the concerned Court has to send a notice to the de-facto complainant and if the de-facto complainant is aggrieved by the closure report, must file a protest petition and work out his remedy in accordance with law.

6. In the present case, the first respondent has virtually taken over the powers of the Court and has ordered for a re-investigation by appointing a new officer. The first respondent is not vested with any such power under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and the impugned proceedings of the first



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respondent dated 11.06.2013 is illegal and beyond jurisdiction and the same is liable to be interfered with by this Court.

7. In the result, this writ petition is allowed and the proceedings of the first respondent dated 11.06.2013 is hereby quashed. Consequently connected Miscellaneous Petition is closed.

02.11.2022

Internet : Yes

RR

To

1.The District Collector
Tirunelveli City.

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N.ANAND VENKATESH, J.

RR

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