



W.P(MD)No.17843 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.08.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.17843 of 2022

and

W.M.P(MD)Nos.13029 & 13030 of 2022

T.Suresh Kumar

...Petitioner

vs

1. The Superintendent of Police,
Kanyakumari District.
2. The Deputy Superintendent of Police,
Thuckalay,
Kanyakumari District.
3. The Executive Magistrate Cum Tahsildar,
Kalkulam Taluk,
Kanyakumari District.
4. The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
5. The Sub-Inspector of Police,
Kotticode Police Station,
Kanyakumari District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records



W.P(MD)No.17843 of 2022

relating to the impugned proceedings issued by the 5th respondent dated 30.06.2022 and consequential order passed by the 3rd respondent dated 27.07.2022 vide proceedings case no. A2/MC.164/2022 and quash the same and consequently direct the 2nd respondent to remove the petitioner's name in the history sheet book maintained and pass any order.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.M.Sakthi Kumar

Government Advocate(Crl.Side)

ORDER

This writ petitioner filed this Writ Petition seeking direction to quash the impugned proceedings issued by the 5th respondent, dated 30.06.2022 and consequential order passed by the 3rd respondent dated 27.07.2022 vide proceedings case no. A2/MC.164/2022 and also sought consequential direction to the 2nd respondent to remove the petitioner's name in the history sheet book maintained.

2.With regard to challenge the impugned order passed by the 5th respondent/Sub-Inspector of Police the learned counsel appearing for the petitioner submitted that this Court by its order dated 22.02.2022 in W.P(MD)No.6491 of 2022 directed the 2nd respondent/Deputy Superintendent of Police, Thuckalay, to consider the petitioner's



W.P(MD)No.17843 of 2022

representation, dated 11.04.2022. He further submitted that, inspite of this Court direction the 2nd respondent/Deputy Superintendent of Police had not passed any order till date.

3.The learned Government Advocate (crl. side) appearing for the respondent submitted that the petitioner has challenged two proceedings, one is passed by the 5th respondent and another is passed by the 3rd respondent and both are inter connected having two different cause of actions did not maintainable.

4.The learned counsel appearing for the petitioner not pressed his prayer to challenge the proceedings of the 3rd respondent herein. The submission is recorded.

5.Recording the same, the prayer is dismissed as not pressed. The petitioner is at liberty to challenge the impugned order passed by the 3rd respondent. The 5th respondent/Sub-Inspector of Police has passed the impugned order without any jurisdiction and without having any power. Therefore, the order passed by the 5th respondent/Sub-Inspector of Police is hereby set aside and the 2nd respondent/Deputy Superintendent of



W.P(MD)No.17843 of 2022

Police is hereby directed to comply with the order passed by this Court, within a period of Two weeks from the date of receipt of copy of the order.

6. With the above observation, this Writ Petition is disposed of.

No cost. Consequently, connected miscellaneous petitions are closed.

10.08.2022

Index :Yes/No
Internet : Yes/ No
ksa



W.P(MD)No.17843 of 2022

WEB COPY

To

1. The Superintendent of Police,
Kanyakumari District.
2. The Deputy Superintendent of Police,
Thuckalay,
Kanyakumari District.
3. The Executive Magistrate Cum Tahsildar,
Kalkulam Taluk,
Kanyakumari District.
4. The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
5. The Sub-Inspector of Police,
Kotticode Police Station,
Kanyakumari District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P(MD)No.17843 of 2022

V.SIVAGNANAM, J

ksa

W.P(MD)No.17843 of 2022

10.08.2022