



WEB COPY

W.P.No.1369



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.13695 of 2011
and M.P.Nos.1 of 2011 & 1 of 2012

T.Kaliyasundaram

...Petitioner

vs.

Additional Director General of Police (Operations)
Rajaannamalaipuram,
Chennai – 600 028.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records on the file of the respondent in Na.Ka.No.3/2625/2009/ம.ஆணை No.53/2011 dated 25.03.2011 and quash the same in respect of the petitioner alone.

For Petitioner : Mr.A.Immanuel

For Respondent : Mr.A.M.Ayyadurai
Government Advocate

ORDER

The Writ Petition has been filed challenging the order of recovery that had been passed by the respondent herein.



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2. Heard Mr.A.Immanuel, learned counsel for the petitioner and Mr.A.M.Ayyadurai, learned Government Advocate for the respondent.

3. The main grievance of the petitioner is that no show cause notice was issued to him proceeding the order of recovery that had been made.

4. From a perusal of the order impugned, there is no reference to any show cause notice that proceeded the order impugned in this Writ Petition for the petitioner to submit his reply.

5. In such view of the matter, I am of the view that the order impugned had been made without following the well established principles of natural justice and therefore is liable to be interfered with.

6. In view of the above, the order impugned in this Writ Petition is set aside. However, the respondent is at liberty to issue notice calling upon the petitioner as to why such recovery should not be made. If the respondent desires to proceed further, the respondent shall do so within a period of six weeks from the date of receipt of a copy of this order.



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7. In fine, the Writ Petition is allowed with the aforesaid liberty. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

Additional Director General of Police (Operations)
Rajaannamalaipuram,
Chennai – 600 028.



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K.KUMARESH BABU, J.

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