



W.P.No.10450 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P.No.10450 of 2023 and
W.M.P.No.10395 of 2023

Paramanantham

... Petitioner

Vs.

The State rep by

1.The Assistant Superintendent of Police,
O/o.Assistant Superintendent of Police,
Chidambaram,
Cuddalore District.

2.The Inspector of Police,
Parangipettai Police Station,
Parangipettai,
Cuddalore District

... Respondents

PRAYER: This Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, calling for records pertaining to the impugned order of the 2nd respondent dated 31.12.2022 which was approved by the 1st respondent on 02.01.2023 retaining petitioner name in the history sheet till 31.12.2023 and to quash the same as illegal and consequently direct the respondents not to disturb the petitioner pursuant to the representation dated 26.08.2022.



W.P.No.10450 of 2023

WEB COPY

For Petitioner : Mr.R.Thirumoorthy
For Respondents : Mr.S.Santhosh
Government Advocate (Criminal side)

ORDER

This Writ Petition has been filed calling for records pertaining to the impugned order of the 2nd respondent dated 31.12.2022 which was approved by the 1st respondent on 02.01.2023 retaining petitioner name in the history sheet till 31.12.2023 and to quash the same as illegal and consequently direct the respondents not to disturb the petitioner pursuant to the representation dated 26.08.2022.

2.The learned counsel for petitioner submitted that petitioner is an history sheeter in history sheet No.309 of 2017. On the basis of the requisition from the Inspector of Police, Parangipettai Police Station, Parangipettai, for extending the retention of petitioner's history sheet on 31.12.2023, the Assistant Superintendent of Police, Chidambaram, Cuddalore District, passed an order without assigning any reasons, thereore, this petition.



W.P.No.10450 of 2023

3.The learned Government Advocate (Criminal side) submitted that there are cases actually pending against the petitioner. Recently, case in Cr.No.290 of 2022 for the offence under Section 147, 148, 294 (b), 323, 324 and 506 (ii) I.P.C has been registered and investigation in this case is pending. Since, the petitioner is a rowdy element, there was an order for extension of history sheet till 31.12.2023.

4.Considered the rival submissions and perused the records.

5.It is seen from the records that Inspector of Police, Parangipettai Police Station, had sent requisition to the Assistant Superintendent of Police, Chidambaram, on 31.12.2022 seeking extension of history sheet to the petitioner till 31.12.2023. The details of cases pending against him are given in the requisition letter. In the same requisition letter, the following order was passed “Retain the history sheet, till 31.12.2023“ by the Assistant Superintendent of Police, Chidambaram on 02.01.2023. This order *exfacie* shows that there is no reason assigned by the Assistant Superintendent of Police, Chidambaram, for extension of history sheet against the petitioner till 31.12.2023. Order without reason cannot be legally sustained.



W.P.No.10450 of 2023

WEB COPY

6.In this view of the matter, the order extending history sheet against the petitioner till 31.12.2023 is set aside. However, it is open to the respondent Police to take appropriate action for extension of history sheet against the petitioner as per procedure established by law, if there are compelling reasons available.

7.Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

05.04.2023

Index:Yes/No
Speaking/Non speaking order

ep



W.P.No.10450 of 2023

WEB COPY

To

- 1.The Assistant Superintendent of Police,
O/o.Assistant Superintendent of Police,
Chidambaram,
Cuddalore District.
- 2.The Inspector of Police,
Parangipettai Police Station,
Parangipettai,
Cuddalore District
- 3.The Public Prosecutor,
High Court of Madras



WEB COPY



W.P.No.10450 of 2023

G.CHANDRASEKHARAN.J.,

ep

W.P.No.10450 of 2023



WEB COPY



W.P.No.10450 of 2023

05.04.2023