



WEB COPY



W.P.No.35604 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.35604 of 2023

N.Parthiban

... Petitioner

Vs.

1.The Superintendent of Police,
Chennai Railway Police District,
Railway Police Office,
Varadharajan Street,
Egmore, Chennai.

2.The Enquiry Officer/Deputy Superintendent of Police,
Egmore Railway Sub Division,
Egmore, Chennai – 8.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pass orders on the representation made by the petitioner on 23.11.2023, to keep the disciplinary proceedings in abeyance, pending disposal of the criminal case registered in Crime No.01/2023 on the file of All Women Police Station, Kilpauk, Chennai - 10, within a reasonable time.

For Petitioner : Mr.M.Muthappan

For R2 : Mr.C.Kulanthaivel
Senior Panel Counsel



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ORDER

Heard the learned counsel for the petitioner, as well as the learned Senior Panel Counsel appearing for the second respondent.

2. In view of the order to be passed by this Court, no prejudice would be caused to the first respondent. Hence, notice to the first respondent is hereby dispensed with.

3. The petitioner herein has given a representation to the first respondent on 23.11.2023, seeking to keep the disciplinary proceedings in abeyance, pending disposal of the criminal case. Since the said representation has not been considered till date, the present Writ Petition has been filed.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon them to consider the same on its own merits and pass appropriate orders in one



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way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the respondents herein, to consider the petitioner's representation dated 23.11.2023, on their own merits and pass appropriate orders in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

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Index: Yes/No



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Speaking order/Non-speaking order

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M.S.RAMESH,J.

Sni

To

- 1.The Superintendent of Police,
Chennai Railway Police District,
Railway Police Office,
Varadharajan Street,
Egmore, Chennai.
- 2.The Enquiry Officer/Deputy Superintendent of Police,
Egmore Railway Sub Division,
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