



W.P.(MD)No.12742 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.12.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.12742 of 2021

T.Thayaparan

... Petitioner

VS.

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Tahsildar (Civil Supplies),
Sivakasi, Virudhunagar District.

3.The Inspector,
Airport Police Station, Airport,
Tiruchirappalli – 7.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing i) the 1st and 2nd Respondents to restore the petitioner's family ration card immediately enable him to get the corona relief fund and groceries, considering petitioner's representation dated 25.06.2021 ii) the 3rd Respondent to conclude the investigation and conduct the trial pertaining to the case in Crime No.94/2019 on his file within the time stipulated by this Court.



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For Petitioner :Ms.T.Banumathy
For R1 and R2 :Mr.K.S.Selvaganesan
Additional Government Pleader
For R3 :Mr.R.Sivakumar
Government Advocate (Crl.side)

ORDER

When the Writ Petition came up for hearing on 11.12.2023, this Court passed the following order:

“This Writ Petition was filed for the issue of a Writ of Mandamus directing the first and second respondents to restore the petitioner’s family ration card in order to enable him to get the benefits and groceries by considering his representation, dated 25.06.2021. The petitioner also sought for a consequential direction to the third respondent to conclude the investigation within the time limit stipulated by this Court.

2.When the matter came up for hearing on 19.10.2023, this Court passed the following order:

“The learned counsel for the petitioner appeared through Video Conferencing Mode and due to some problem in network, this Court was not able to hear the submissions made by the learned counsel for the petitioner.

2.The learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 based on the counter affidavit filed by the second respondent submitted that the petitioner is a Srilankan National and that he had managed to stay in Tamil Nadu through a fake Passport. Hence, it was contended that the request made by the petitioner to restore the Ration Card is unsustainable.

3.The learned Government Advocate appearing on behalf of the third respondent submitted that the third respondent is not able to complete the investigation in Crime No.94 of 2019, since the petitioner is absconding and the quash petition filed by him has already been



dismissed by this Court.

4.Before passing final orders in this Writ Petition, this Court wants to hear the learned counsel for the petitioner.

5.Post this Writ Petition on 01.11.2023.”

3.When the matter was thereafter listed for hearing on 08.11.2023, this Court passed the following order:

“Pursuant to the earlier order passed by this Court on 19.10.2023, the matter was posted for hearing today.

2.Mr.N.Malaichamy, Inspector of Police, Airport Police Station, Trichy, was appearing before this Court.

3.The learned Government Advocate appearing on behalf of the respondents submitted that he has now taken instructions from the Investigation Officer by collecting all the relevant records. The learned Government Advocate submitted that the petitioner was arrested in the course of investigation and he was later let out on bail. The learned Government Advocate further submitted that the ration card, aadhar card and voter identity card of the petitioner was also taken custody and later, the petitioner filed an application in C.M.P.No.9950 of 2019 seeking for interim custody of those documents and the said application was allowed by the learned Judicial Magistrate-VI, Trichy by order dated 09.07.2019.

4.The learned Government Advocate further submitted that the investigation is almost completed and the Investigation Officer is now awaiting for certain reports and on receipt of the same, final report will be filed in this case. The learned Government Advocate, therefore, sought for four weeks time to complete this process and to file a final report.

5.In the considered view of this Court, it will be fit and proper to await for the filing of the final report before any further orders are passed in this case. Hence, post this case under the caption “for orders” on 11.12.2023.”

4.When the matter was taken up for hearing today, the learned Government Advocate (Crl.side) appearing on behalf of the third respondent submitted that investigation has been completed and that the final report is going to be filed before the



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concerned Judicial Magistrate Court by the end of this week.

5.Mr.N.Malaichamy, Inspector of Police, Airport Police Station, Trichy District, was also present before this Court at the time of hearing.

6.A copy of the final report shall be furnished before this Court during the next date of hearing.

7.Post this case under the same caption on 20.12.2023.”

2.When the matter was taken up for hearing today, the learned Government Advocate appearing on behalf of the third respondent submitted that the investigation was completed and a final report was filed before the learned Judicial Magistrate No.VI, Trichy and that the same was taken on file in C.C.No.1465 of 2023, dated 15.12.2023. The learned Government Advocate further submitted that the learned Judicial Magistrate had taken cognizance of the offences punishable under Sections 468, 471 and 465 of IPC, Section 14 of the Foreigners Act, 1946 and Section 12(1A)(a) of the Passport Act, 1967. The copy of the final report was also placed before this Court.

3.In the light of the above developments, the first relief sought for by the petitioner to restore his family card in his name cannot be granted by this Court till the petitioner comes out clean from the criminal case.



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This is a case where the allegation against the petitioner is that he was in possession of two passports, one issued by the Government of Srilanka and the other issued by the Government of India. Therefore, the petitioner has to necessarily workout his remedy before the criminal Court in accordance with law.

4.The second relief sought for by the petitioner has become infructuous, since final report has been filed on completion of investigation.

5.It is left open to the petitioner to raise all his defence while defending himself in the criminal case and subject to the result of the same, the petitioner can revive his request for restoration of ration card in his name before the concerned authority.

6.This Writ Petition is disposed of in the above terms. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
cmr

20.12.2023

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N.ANAND VENKATESH, J.

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