



W.P.(MD) No.11425 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.05.2023

CORAM:

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD)No.11425 of 2023

S.Vaikundarajan

... Petitioner

Vs.

1.The District Magsitrate Cum
District Collector,
Kanniyakumari District.

2.The Superintendent of Police,
O/o. The Superintendent of Police,
Kanniyakumari District.

3.The Sub-Divisional Magistrate cum
Revenue Divisional Officer,
Nagercoil,
Kanniyakumari District.

4.The Inspector of Police,
Anjugramam Police Station,
Kanniyakumari District.

5.Jesimenaga,
The Then Sub Inspector of Police,
Anjugramam Police Station,
Kanniyakumari District.

... Respondents



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Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the third respondent to conduct the enquiry under Section 151 of PSO orders to enquire into the conduct of the fifth respondent by considering the petitioner's representation dated 13.03.2023.

For Petitioner : Mr.M.Maharaja

For R1 to R4 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The writ petition has been filed for a direction to the third respondent to conduct an enquiry under Section 151 of PSO orders to enquire into the conduct of the fifth respondent by considering the petitioner's representation dated 13.03.2023.

2. On the side of the petitioner, it is stated that there is some serious allegations against the fifth respondent and on 13.03.2023, the petitioner has filed a petition before the first respondent seeking an



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enquiry to be conducted against the fifth respondent. The first respondent has forwarded the same to the second respondent vide his proceedings dated 16.03.2023, which is pending for consideration of the second respondent.

3. Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor takes notice for the respondents 1 to 4 and stated that the petition was filed only on 13.03.2023 and there is no sufficient time for the respondents to consider the petition.

4. It is seen that the first respondent addressed the second respondent to conduct an enquiry and the competent authority is the third respondent. Hence, the first respondent is hereby directed to forward the petition to the third respondent for necessary action in this regard and on receipt of the petition, the third respondent is hereby directed to conduct an enquiry in accordance with law and to pass appropriate orders within a period of two months from the date of receipt of a copy of this order. Since notice was not served on the fifth respondent in this petition, the third respondent is directed to issue notice to the fifth respondent and thereafter, conduct an enquiry.



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5. With the above direction, this Writ Petition is disposed of.

No costs.

05.05.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

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District Collector,
Kanniyakumari District.
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O/o. The Superintendent of Police,
Kanniyakumari District.
- 3.The Sub-Divisional Magistrate cum
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- 4.The Inspector of Police,
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R.THARANI, J.

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