



W.P(MD) No.17318 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.08.2023

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THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.17318 of 2020

S.Ramaraja Pandian

... Petitioner

-Vs-

1. The Superintendent of Police
Tirunelveli District
Tirunelveli

2. The Deputy Superintendent of Police
Ambasamudram Police Station
Tirunelveli District

3. The Inspector of Police
Ambasamudram Police Station
Tirunelveli District

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the directing the first respondent herein to consider the resolution/representation dated 27-08-2020 and take necessary action upon the same within the time limit as may be fixed by this Honourable Court.

For Petitioner : Mr. M.Jegadeesh Pandin

For Respondents : Mr. R.M.Anbunithi
Additional Public Prosecutor



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ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus to direct the first respondent herein to consider the resolution/representation dated 27-08-2020 and take necessary action upon the same within the time limit as may be fixed by this Court.

2. According to the petitioner one Kandasamy enrolled as an advocate in the year 1988, practicing as an advocate continuously with good reputation among the society for the past 32 years with unblemish records and now practicing in Ambasamithiram Bar Association. On 29.09.2017 one of the member of the Bar V.Ramaiya approached him and requested to solve the matrimonial dispute which is pending enquiry before the All Women Police Station, Ambasamuthiram on behalf of one Vani. Kandasamy and Ramaiyah appeared before the All Women Police Station at about 12.00pm., and explained her position and facts before the authorities. Subsequently returned to the office of S.Kandasamy. On the same day at about 9.00 pm., the Inspector of Police attached to the respondent police and Writer approached S.Kandasamy requested for the appearance of Vani, initially he refused by considering the time, but due to repeated request made by the officials he called upon Ramaiyah and requested the appearance of Vani and she appeared before the police



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along with her child. During enquiry she was compelled to go along with her husband. Thereafter on 15.10.2019 Kandasamy was called upon by the Inspector of Police, Ambasamuthiram Police Station for enquiry. He appeared for enquiry at that time they called for an explanation for a source report which is against him . The source report contains baseless allegations. The allegations were engineered by one Veera Ganesh, Head Constable attached to the office of the Superintendent of Police. He was continuously making scandalous allegations as against him and filing source report against him without any basis. Using his position in the office of the first respondent, the said Veera Ganesh influenced the officer of the third respondent due to his unofficial act the reputation of the petitioner in society was under jeopardized. The said Veera Ganesh, Head Constable misused his official position and made false allegation in the Source reports. On 22.01.2020 Kandasmy made complaint before the first respondent, no action was taken. Thereafter Ramaiyah presented complaint before the Bar Association, Ambasamudram. Based on that complaint a resolution has been passed by convening a General Body Meeting on 19.10.2019 by urged the first respondent to take departmental action as against the said Veera Ganesh, Head Constable and a copy of the resolution was forwarded to the office of the first respondent for necessary action.



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3. Pursuant to the representation of Kandasamy the first respondent had deputed one Udhayasuriyan, Deputy Superintendent of Police and he enquired the complaint and the same was closed and enquiry report dated 01.05.2020 was served upon him by observing that there are previous cases filed against him and there is no truth behind the complaint. There are no complaint against the petitioner and the Deputy Superintendent of Police not all enquired properly and his report is nothing but a reproductive source report of Veera Ganesh. Thereafter on 27.07.2020 Bar Association resolution was handed over to the first respondent and sought for immediate action, since the respondents have not taken action based on the representation dated 27.08.2020, this petition has been filed by the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondents represented that petition is still pending and enquiry has not been completed so far.

5. Considering the limited prayer seeking for direction to consider the representation of the petitioner dated 27.08.2020 that the representation is still pending, it is appropriate to direct the first respondent to consider the representation of the petitioner dated



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27.08.2020 and pass orders on merits and in accordance with law by affording opportunities to the interested parties within a period of four weeks from the date of receipt of a copy of this order.

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

No costs.

03.08.2023

Index : Yes/No
Internet : Yes/No
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To

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Tirunelveli District
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2. The Deputy Superintendent of Police
Ambasamudram Police Station
Tirunelveli District
3. The Inspector of Police
Ambasamudram Police Station
Tirunelveli District
4. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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P.DHANABAL, J.

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