



W.P(MD)No.12758 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12758 of 2015

M.Nagarajan

... Petitioner

Vs.

**1.The District Collector,
Kanyakumari District.**

**2.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.**

**3.The Deputy Superintendent of Police,
Nagercoil,
Kanyakumari District.**

**4.The Inspector of Police,
Vadasery Police Station,
Nagercoil,
Kanyakumari District.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to delete the petitioner's name in the rowdy list maintained by the fourth respondent by considering the petitioner's representation dated 24.06.2015.



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For Petitioner : Mr.S.Ramasamy

For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner's name is figuring in the rowdy list maintained by the 4th respondent (H.S.No.123/1994). The petitioner submitted representation seeking deletion of the name from the said list. Since his request was not considered, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned Special Government Pleader submitted that the petitioner is figuring as accused in as many as 24 cases. The list of cases was also submitted. It is seen that the petitioner was an accused in a case of murder also (Crime No.311 of 1994) registered on the file of the Vadaserry Police Station. But the petitioner had been acquitted way back in the year 2001 itself. The case had been split up and it is



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pending at the PRC stage only against one Selvam. Out of the 24 cases, 21 cases have already been concluded. Crime No.199 of 2022 is of-course pending. But the allegation is that the petitioner and A2 Hariharan had broken open the lock and seal affixed by the corporation authorities. Crime No.170 of 2019 is also pending. After going through the contents of the FIRs in both the cases, I am satisfied that they are not sufficient to retain the name of the person in the rowdy list. This is only a tentative observation.

4. As rightly pointed out by the learned counsel appearing for the petitioner, the jurisdictional DSP is obliged to conduct annual review. In this case, review has not at all been done. The petitioner's name has been retained in the rowdy list continuously for more than a quarter of century. I therefore direct the third respondent to review the matter and inform the petitioner about his position. The third respondent will take a call if the petitioner's name should continue to figure in the rowdy list or it should be deleted. The respondent has to pass a speaking order. The stand of the respondents will have to be justified with reference to the police standing order. In other words, a



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decision on merits and in accordance with law will be taken by the third respondent within a period of eight weeks from the date of receipt of a copy of this order and also communicated to the petitioner herein.

5. The Writ Petition is disposed of accordingly. No costs.

25.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

- 1.The District Collector,
Kanyakumari District.
- 2.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.
- 3.The Deputy Superintendent of Police,
Nagercoil,
Kanyakumari District.
- 4.The Inspector of Police,
Vadasery Police Station,
Nagercoil,
Kanyakumari District.

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G.R.SWAMINATHAN, J.

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