



W.P(MD).No. 4711 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2023

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.4711 of 2014

and

M.P(MD) Nos.1 to 4 of 2014

A.Syed Abdul Kathar
S/o.M.Abdul Rasheed,
Advocate,
Madras High Court Madurai Bench,
District President of Social Democratic Party of India,
Advocates Wing,
23, Sungam Pallivasal Street,
Madurai – 625 001.

..... Petitioner

- Vs-

1. The Secretary,
In-charge of State affairs (L&O)
Department of Home,
Union of India,
Central Secretariat,
New Delhi – 110 001.

2. The Home Secretary,
Government of Tamil Nadu,
For St. George,
Chennai – 600 009.



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3. The Director General of Police,
Tamil Nadu Police Head Quarters,
Kamarajar Salai,
Chennai – 600 004.
4. The Commissioner of Police,
Madurai City Police,
South Chithirai Street,
Madurai – 625 001.
5. The Joint Director,
Central Bureau of Investigation,
3rd Floor, EV.K.Sampad Building,
College Road,
Chennai – 600 006.
6. The Inspector of Police,
B1 Vilakuthoon Police Station,
Madurai City,
Madurai – 625 001.
7. The Sub-Inspector of Police,
B1 Vilakuthoon Police Station,
Madurai City,
Madurai – 625 001.
8. Karthikeyan,
Additional Deputy Superintendent of Police,
CBCID, Special Investigation Team,
Madurai.
9. Marirajan
Additional Deputy Superintendent of Police,
CBCID, Special Investigation Division,
Madurai.



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10. Madasamy
Inspector of Police,
Vikramasingapuram Police Station,
Tirunelveli District.

11. Sanmugasundram

12. R.Mohan

13. Salman

... 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 1 to 5 to initiate legal and departmental action against the respondents 6 to 10 and to entrust the investigation in Cr.No.1187 of 2013 and Cr.No.196 of 2014 on the file of the sixth respondent to the file of the fifth respondent for investigation and to the file final report in accordance with law.

For Petitioner : No appearance

For Respondents : Mr.C.Nandagopal – for R1

: Mrs.D.Farjana Ghoushia
Special Government Pleader
For – R2

: Mr.R.M.S.Sethuraman
Additional Public Prosecutor
For R3, R4, R6 and R7

: Mr.N.Mohideen Basha
Special Public Prosecutor
For CBI, for R5



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: Mr.T.Antony Arul Raj
For R8 and R9
: No appearance – for R11

ORDER

This Writ Petition has been filed by the petitioner seeking to transfer the investigation from the file of the sixth respondent to the file of the fifth respondent.

2. The allegation made in the writ petition is that the respondents 6 and 7 are acting against the interest of certain persons and trying to defame the innocent people for the crime that have been committed against the Society.

3. When the matter was taken up for hearing on 02.02.2023, there was no representation on the side of the writ petitioner and hence, the matter was posted on 07.02.2023 under the caption “for dismissal”. But however, the same has not been listed under the caption “for dismissal” on that day, but, the matter has been listed on 16.02.2023 as a regular case. Even today, there is no representation on behalf of the petitioner.



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4. The petitioner claims to be an Advocate in this Court. Hence, he cannot be ignorant of listing of the matter today.

5. The learned Additional Public Prosecutor appearing for the respondents 3, 4, 6 and 7 had produced the statement indicating that the investigation carried on was originally vested with the Inspector of Police, CBCID, Madurai City and not with the sixth respondent and now, the case is being investigated by the Deputy Superintendent of Police, SIP, CBCID, Madurai.

6. The petitioner seems to have approached this Court having not been aware of the actual facts and making unnecessary allegations against the sixth respondent. It is not known as to how such frivolous allegations have been made and the petitioner sought for transfer of the case.



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7. In view of the fact that, I do not find any merit in this writ petition.

Hence, this writ petition is dismissed. There shall be no order as to costs.

Consequently, connected Miscellaneous Petitions are closed.

16.02.2023

NCC: Yes / No

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Index : Yes / No

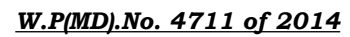
Internet : Yes / No

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To

1. The Secretary,
In-charge of State affairs (L&O)
Department of Home,
Union of India,
Central Secretariat,
New Delhi – 110 001.

2. The Home Secretary,
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For St. George,
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K.KUMARESH BABU, J.

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Order made in
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