



WP(MD)No.28135 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.28135 of 2023

S.Justin Thiraviam

.. Petitioner

vs.

1.The District Forest Officer,
Tirunelveli District.

2.The Forest Ranger,
Papanasam Range,
Office at Ambasamudram,
Tirunelveli District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the first respondent to consider and dispose of the petitioner's representation dated 16.11.2023.

For Petitioner : Mr.R.Anand

For Respondents : Mr.M.Ramesh
Government Advocate



WP(MD)No.28135 of 2023

WEB COPY

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to consider the representation of the petitioner, dated 16.11.2023.

2. The learned counsel appearing for the petitioner submits that the second respondent, who is a Forest Range Officer, has misused his official position and in the guise of holding an enquiry, based on a video-clipping, the second respondent has forcibly seized the mobile phones of the petitioner and his brother, namely, Arockiya Rajesh, and the details of the mobile phones are (i) 9080543602 (OPPO J7 Model) and (ii) 6381618643 (VIVO-21Y Model). In this regard, the petitioner has made a representation before the first respondent on 16.11.2023. However, no action has been taken so far by the first respondent. Hence, the present Writ Petition has been filed.

3. In response to this Writ Petition, the learned Additional Government Pleader appearing for the respondents submits that a case has been registered on 30.11.2023 against the brother of the petitioner and a mobile phone bearing No.6381618643 was recovered from him.



WP(MD)No.28135 of 2023

4. This Court considered the rival submissions made by both sides and perused the materials available on record.

5. The petitioner, with a grievance that his mobile phone and his brother's mobile phone were taken forcibly by the second respondent in the guise of enquiry on 15.11.2023, has submitted a representation to the first respondent on 16.11.2023 and since the same has not been considered, he has filed this Writ Petition on 21.11.2023. After receipt of notice in this Writ Petition, it appears that a case has been registered against the petitioner's brother on 30.11.2023 by the second respondent. From tower location, it could be easily found as to whether the mobile phone was with the petitioner at the relevant point of time. Since the petitioner has made a representation before the first respondent on 16.11.2023, the first respondent is expected to conduct proper enquiry by providing an opportunity of hearing to the petitioner and find out whether the second respondent has misused his official position. The enquiry shall be concluded within a period of 12 weeks from the date of receipt of a copy of this order and a copy of the enquiry report shall be furnished to the petitioner.



WP(MD)No.28135 of 2023

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
Internet : Yes
ssb

04.12.2023

To

- 1.The District Forest Officer,
Tirunelveli District.
- 2.The Forest Ranger,
Papanasam Range,
Office at Ambasamudram,
Tirunelveli District.



WEB COPY



WP(MD)No.28135 of 2023

B.PUGALENDHI, J.

ssb

WP(MD)No.28135 of 2023

04.12.2023