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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.40119 of 2015

R.Senthilkumar

...Petitioner

Vs.

1. The Secretary to Government,
Tourism, Culture and Religious,
Endowment Department,
Secretariat, Chennai.

2. The District Collector,
Erode District.

3. The Joint Commissioner,
HR & CE Department,
Coimbatore.

4. The Executive Officer,
Arulmighu Subramaniaswamy Temple,
Chennimalai, Erode District.

5. The Inspector of Police,
Chennimalai Police Station,
Erode District.

6. N.S.N.Nataraj

7. P.Gopalakrishnan

....Respondents



Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned orders made in RC. No.10759/2015/B3 dated 01.12.2018 passed by the third respondent, and the consequential order dated 05.12.2015 passed by the 4th respondent, quash the same and consequently, direct the first respondent to appint an independent investigating agency for fair and impartial investigation of the petitioner's complaint dated 24.07.2015 in the light of the constitutional Bench judgment of the Hon'ble Supreme Court in Lalitha Kumari Case 2014 (2) SCC 1.

For Petitioner : Mr.N.Manoharan

For Respondents : Mr.K.Karthikeyan, *GA HR & CE*
RR1 to 4
Mr.M.R.Thangavel R6
Mr.S.Sugendran APP for R5
R7 – No appearance

ORDER

The writ petition has been filed seeking to quash the impugned orders made in RC. No.10759/2015/B3 dated 01.12.2018 passed by the third respondent, and the consequential order dated 05.12.2015 passed by the 4th respondent, quash the same and consequently, direct the first respondent to appint an independent investigating agency for fair and



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impartial investigation of the petitioner's complaint dated 24.07.2015 in the light of the constitutional Bench judgment of the Hon'ble Supreme Court in Lalitha Kumari Case 2014 (2) SCC 1.

2. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that this Court, without going into the merits of the case, may grant permission to the petitioner to file a petition either before the appropriate forum under Section 223 of BNSS Act.

3. In this regard, the learned counsel for the respondents have not raised any objection.

4. Heard, the learned counsel for the petitioner, the learned counsel appearing for the respondents and perused the materials available on record.

5. In view of the limited request sought for by the petitioners, this Court without going into the merits of the case and without expressing any



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opinion on the merits of the case, grants liberty to the petitioner to file a petition before the trial Court under Section 223 of the BNSS Act.

6. With the above direction, the writ petition is disposed of.

There shall be no order as to costs.

23.08.2024

rli

Index : Yes/No

Internet : Yes/No

To

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M.DHANDAPANI, J.

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