



WEB COPY



W.P.No.9854 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.9854 of 2023

and

W.M.P.No.9929 of 2023

Mohamed Bilal @ Bilal

... Petitioner

-Vs-

1.The Special DRO,
Chengalpattu District,
Chengalpattu - 603 001.

2.Inspector of Police, (ALGSC)
Central Crime Branch
Tambaram Commissionerate,
Solinganallur, Chennai - 600 119.

3.N.Kandasamy

4.N.Mohan

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Mandamus, directing the first respondent to issue Enquiry Notice to the petitioner based on his written representation of the petitioner dated 22.02.2023 addressed to the first respondent for the enquiry.

For Petitioner : Mr.S.N.Subramani

For R1 & R2 : Mr.L.Baskaran
Government Advocate(Crl.Side)

For R3 & R4 : Mr.K.Mahalingam



W.P.No.9854 of 2023

ORDER

WEB COPY

Writ petition has been filed in the nature of mandamus seeking a direction to the first respondent/Special District Revenue Officer, Chengalpattu, to also issue enquiry notice to the petitioner on the basis of the representation given by the petitioner on 22.02.2023.

2. The petitioner is a stranger to those enquiry proceedings. If he wants to be enquired, then he must be in some manner or the other, directly or indirectly connected with entire issue.

3. The District Revenue Officer/first respondent, the Special District Revenue Officer, Chengalpattu had enquired into a complaint on the directions of the District Collector.

4. A status report had been filed by him that he had conducted enquiry and recorded statements of seven separate officials whose names are given below:

1. Tmt. Ranjani,
Special Tahsildar(ADW),
Chengalpattu.

2. Thiru. V. Vimalkumar,
Deputy Collector/Executive Supervising Officer,
Mundiambakkam,
Villupuram District.

3. Thiru. S. Venkatesan,



W.P.No.9854 of 2023

Tahsildar(Retired),
Chengalpattu.

WEB COPY

- 4.Thiru.S.Chellappa,
Revenue Divisional Officer(Retired),
Chengalpattu.
- 5.Thiru.Ananda Jothi,
Sub-Inspector of Police.
- 6.Thiru.Muthuvadivel,
Presently Revenue Divisional Officer,
Chengalpattu.
- 7.Thiru.K.Govindaraj,
Inspector of Police.

5. Thereafter, the writ petitioner had entered into picture and stated that various petitions are pending before the High Court and that, enquiry should be conducted with respect to all those persons who are named in the said petitions.

6. For good measure, the complainant, not to be left behind had also joined in that particular venture and had independently given another list of individuals whom the District Revenue Officer should enquire.

7.This conduct of both the writ petitioner and the complainant, is deeply condemned by this Court. They should leave the enquiry officer to conduct the



W.P.No.9854 of 2023

enquiry in an independent manner and take a decision who are all required to be examined. They cannot interfere with the process of enquiry and give separate lists of individuals who according to them should be enquired into. It is the prerogative of the enquiry officer to record statements of individual whose statements would be relevant and then draw a conclusion. That conclusion can be questioned in the manner known to law.

8. It is clear that the complainant and the writ petitioner herein are in collusion with each other with the only object to scuttle the enquiry.

9. The Enquiry Officer had taken a sensible decision to refer the matter back to the District Collector, Chengalpattu. He had stated that he cannot continue as the enquiry officer to enquire officers who are equal in rank with him. The matter now is in the hands of the District Collector, Chengalpattu. I am confident that necessary orders would be passed within a reasonable period of time. No further directions are required.

10. With the above observations, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

15.03.2024

1/2



WEB COPY



W.P.No.9854 of 2023

C.V.KARTHIKEYAN, J.

rjr

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
rjr

To

- 1.The Special DRO,
Chengalpattu District,
Chengalpattu - 603 001.
- 2.Inspector of Police, (ALGSC)
Central Crime Branch
Tambaram Commissionerate,
Solinganallur, Chennai - 600 119.
- 3.The Public Prosecutor,
High Court, Madras.

W.P.No.9854 of 2023
and
W.M.P.No.9929 of 2023

15.03.2024