



W.P.No.33878 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.11.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.33878 of 2024

--

K.Rajendran

.. Petitioner

Vs.

1. The State, Rep. by
The Principal Secretary to Government,
Home (Courts.6A) Department,
Secretariat, Chennai-600 008.

2. The District Collector,
O/o The District Collector,
Ariyalur.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to appoint a Special Public Prosecutor for Spl.Sc.No.53 of 2019, pending on the file of the Principal District and Sessions Judge, Ariyalur, based on the recommendation of the second respondent communication dated 29.08.2024 proceedings No. in Na. Ka. Enn.C2/2798/2024 and 10.10.2024 proceedings in Na.Ka.Enn.C2/2798/2024.



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For petitioner : Mr.R.Thirumoorthy

For respondents: Mr.M.Venkateswaran, Spl.G.P.

ORDER

The Writ Petition is filed praying for issuance of a Writ of Mandamus to direct the first respondent to appoint a Special Public Prosecutor for Spl.Sc.No.53 of 2019, pending on the file of Principal District and Sessions Judge, Ariyalur, based on the recommendation of the second respondent's communication, dated 29.08.2024 proceedings No. in Na.Ka.Enn.C2/2798/2024 and 10.10.2024 proceedings in Na.Ka.Enn.C2/2798/2024 and 10.10.2024 proceedings in Na.Ka.Enn.C2/2798/2024.

2. Learned Special Government Pleader appearing for the respondents submitted that the respondents are taking steps to appoint a Special Public Prosecutor for conducting Spl.Sc.No.53 of 2019 and the same is pending for taking steps and as of today, the respondents have not appointed any Special Public Prosecutor. In that regard, the petitioner has also given a representation dated 14.05.2024 to the second respondent/District Collector, Ariyalur. Learned Special Government Pleader also submitted that the victim has also made a representation in that regard. Till date, the respondents have not appointed any

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Special Public Prosecutor even after four months from the date of the said representation.

3. Therefore, this Court is inclined to appoint a Special Public Prosecutor. Further, in the proceedings issued by the District Collector, Ariyalur, sending the same to the Government Principal Officer, Secretariat, Chennai, dated 29.08.2024 in Na.Ka.No.C2/2798/2024, it is stated that the petitioner has mentioned in his representation seeking to appoint one Mr.B.Mohan (354/1979), Advocate.

4. Till date, the first respondent/Principal Secretary to Government, Home (Courts) Department, Secretariat, also had not completed the process of appointing the Special Public Prosecutor.

5. Since the first respondent has not yet appointed any Special Public Prosecutor and as the first respondent is the appointing authority and the second respondent/District Collector, Ariyalur is only recommending authority, this Court appoints Mr.B.Mohan (354/1979), Advocate, as Special Public Prosecutor for conducting the case in Spl.Sc.No.53 of 2019 on behalf of the victim.

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6. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

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CS

To

1. The State, Rep. by
The Principal Secretary to Government,
Home (Courts.6A) Department,
Secretariat, Chennai-600 008.
2. The District Collector,
O/o The District Collector,
Ariyalur.



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