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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Tuesday, the Fifteenth day of October Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN
AND

The Hon`ble Mr.Justice J.SATHYA NARAYANA PRASAD

WMP(MD). No.4015 of 2024
in
WP(MD)No.19480 of 2024

P.Seetharaman

... Petitioner/Third Respondent

Vs

1 B. Pandiarajan

2 The Honourable Secretary to Government
Home Department, Fort,
Chennai

3 The District Collector
Madurai District Madurai

4 The Director,
Directorate of Vigilance and Anticorruption
No.293 MKN Road Alandur Chennai 600 106.

5 The Deputy Superintendent Of Police
Office of the Deputy Superintendent of Police
Vigilance and Anticorruption
1/165 G Alagarkoil Road Race Course Colony
Madurai 625 002

... Respondents 2-5 / Respondents 1,2,4 and 5



Prayer in WMP(MD). No.4015 of 2024

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Writ Miscellaneous Petition is filed under Article 226 of the Constitution of India, to pass an order clarifying that the interim order dated 22.12.2020 passed in WP(MD) 19480/2020 at the time of admission without any notice to the petitioner will merge with the final order dated 11.10.2022 dismissing the writ petition, and hence, it will not have any effect on the social life and professional carrier of the petitioner and thus render justice

Prayer in WP(MD). 19480/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 1 and 2 respondents to remove the 3rd respondent form the post of Special Public Prosecutor (Bail) EC and NDPS before the Additional Sessions EC and NDPS Court, Madurai, and appoint suitable person with honesty and integrity as Special Public Prosecutor (Bail) EC and NDPS before the Additional Sessions EC and NDPS, Court Madurai and pass such further other orders as this Honbel Court may deem fit proper in the circumstances of the case and thus render justice.

ORDER:- This Writ Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.J.Barathan, Advocate for the Petitioner and of



Mr.P.Thilakkumar, Government Advocate for the 2nd and 3rd Respondents, and of

Mr.B.Thanga Aravindhan Government Advocate (Crl.side)for the 4th and 5th

Respondents this Court made the following order:

(Order of the Court was made by R.SUBRAMANIAN, J.)

There is no ground to issue a clarification. An interim order was passed admittedly without notice to the petitioner directing the Directorate of Vigilance and Anti-Corruption, Chennai, to enquire about the conduct of the petitioner who held the office of the Public Prosecutor at the relevant point of time. The Directorate of Vigilance and Anti-Corruption, after enquiry, had filed an FIR. The investigation is completed and charge sheet is to be filed. The Bar Council of Tamilnadu and Puducherry also initiated disciplinary proceedings against the petitioner based on the interim order made. Since the enquiry was not completed within a year, the enquiry was transferred to All India Bar Council from the Bar Council of Tamilnadu and Puducherry. All India Bar Council found that the petitioner has not discharged his duties as a Public Prosecutor properly and was guilty of professional misconduct. On that ground, All India Bar Council imposed a punishment on the petitioner which is the subject matter of challenge before the Hon'ble Supreme Court.

2. Now the petitioner seeks a clarification that the interim order of this

<https://www.mhc.tn.gov.in/judis>

Court will not survive, because, the main writ petition came to be dismissed for



default subsequently. We do not think we can issue such a clarification. An interim order was passed, as a result of which, certain delinquencies committed by the petitioner came out in the open and he was proceeded with for such delinquencies. If he is aggrieved by the finding of the All India Bar Council, it is open to the petitioner to challenge the order of the All India Bar Council which, the learned counsel says, has already been done. Hence, we see no reason to issue clarification. It is open to the petitioner to argue before the Hon'ble Supreme Court that the enquiry that was initiated pursuant to the interim direction issued by the Division Bench will not survive, because, the writ petition has been eventually dismissed for default.

3. Accordingly, this petition is dismissed.

Sd/-

Assistant Registrar(CO)

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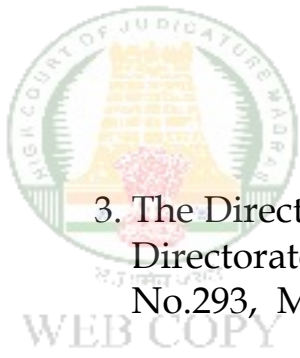
/10/2024

Sub Assistant Registrar
(CS- I/ II / III / IV)

TO

1. The Honourable Secretary to
the Government, Home Department,
Fort Chennai

2. The District Collector,
Madurai District, Madurai



3. The Director,
Directorate of Vigilance and Anti corruption,
No.293, MKN Road, Alandur, Chennai 600 106.

4. The Deputy Superintendent Of Police,
Office of the Deputy Superintendent Police,
Vigilance and Anti corruption ,
1/165 G , Alagarkoil Road ,
Race Course Colony,
Madurai 625 002.

Copy to:

The Officer in Charge,
All India Bar Council of Tamilnadu & Puducherry,
Madras High Court Campus,
Chennai.

+ 1 cc to Mr.TR.Jeyapalam, Advocate, CA.SR.No.57409/2024

+ cc to the Govt.Pleader CA Sr.No.57674/2024

ORDER DATED : 15/10/2024

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ORDER

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WMP(MD). No.4015 of 2024

IN

WP(MD)No.19480 of 2020

Giving direction and etc.
as stated within.

MGJ(22.10.2024) 5P 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023