



W.A.(MD)No.62 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A.(MD)No.62 of 2024
and C.M.P.(MD)No.654 of 2024

1.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Home (Police-2) Department,
Secretariat,
Chennai 600 009.

2.The Director General of Police,
4, Dr.Radhakrishnan Salai,
Mylapore,
Chennai 600 004.

3.The Superintendent of Police,
Karur District,
Karur.

... Appellants

Vs.



W.A.(MD)No.62 of 2024

WEB COURT 1.P.Kumar

2.The Director of Vigilance And Anti-Corruption (DVAC),
Rep. by its Director, 293, MKN Road,
Alandur, Chennai 600 016.

3.The Additional Superintendent of Police,
Vigilance and Anti-Corruption,
Salem, Salem District.

... Respondents

PRAYER : Appeal filed under Clause 15 of the Letters Patent against the impugned order passed by this Court in W.P.(MD)No.18080 of 2023 in W.M.P.(MD)No.15085 of 2023 dated 27.07.2023.

For Appellants : Mr.S.P.Maharajan,
Spl. Govt. Pleader

For Respondents : Mr.S.Srinivasa Raghavan for R1

JUDGMENT

[Judgment of the Court was delivered by D.KRISHNAKUMAR, J.]

This Writ Appeal has been filed as against the interim order passed by this Court in W.P.(MD)No.18080 of 2023 and W.M.P.(MD)No.15085 of 2023 dated 27.07.2023.

Page 2 of 6



W.A.(MD)No.62 of 2024

WEB COPY 2. This Writ Appeal is taken up for final disposal at the admission stage itself.

3. According to the appellants, as against the first respondent a case has been registered in Crime No.16/2019 under Sections 7 and 13(2) r/w 13(1)(d) and Section 12 of the Prevention of Corruption Act, 1983 by the Vigilance and Anti-Corruption Unit, Salem and the said criminal case is pending for investigation. In the meantime, the first respondent was placed under suspension for the involvement in the said criminal case by the first appellant through his proceedings in G.O.(2D)No.283, Home (Police-2) Department, dated 27.07.2022. Challenging the said suspension order, the first respondent has filed a Writ Petition before this Court in W.P.(MD)No.18080 of 2023 along with the stay application in W.M.P.(MD)No.15085 of 2023 and this Court by order dated 27.07.2023 has granted interim order by directing the appellants to revoke the suspension order. Challenging the said interim order, the appellants have filed this Writ Appeal.



W.A.(MD)No.62 of 2024

WEB COPY

4. The learned Special Government Pleader appearing for the appellants by producing an order passed by the Full Bench of this Court in W.P.No.2165 of 2015 and 21628 of 2018, dated 15.03.2022 submits that the said order has not been placed before the learned Single Judge and therefore, seeks for setting aside the order and remitting the matter to the learned Single Judge for final disposal.

5. The learned counsel appearing for the first respondent has also agreed for disposal of the main Writ Petition itself before the learned Single Judge.

6. In the light of the submissions made by both sides, the interim order passed by this Court in W.P.(MD)No.18080 of 2023 and W.M.P.(MD)No.15085 of 2023 is set aside and the matter is remitted back to the learned Single Judge for disposal of the main Writ Petition itself.



W.A.(MD)No.62 of 2024

WEB COPY

7. In view of the above, this Writ Appeal is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [R.V., J.]

23.01.2024

Index : Yes / No
Internet : Yes / No
vsm

To

- 1.The Director of Vigilance And Anti-Corruption (DVAC),
293, MKN Road,
Alandur,
Chennai 600 016.
- 2.The Additional Superintendent of Police,
Vigilance and Anti-Corruption,
Salem, Salem District.



WEB COPY



W.A.(MD)No.62 of 2024

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

vsm

W.A.(MD)No.62 of 2024

23.01.2024