



W.A.No.287 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM:

**THE HON'BLE MRS.JUSTICE J.NISHA BANU
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN**

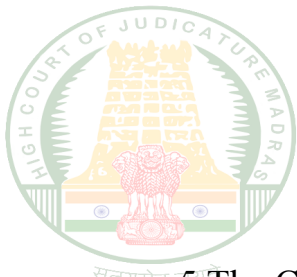
**W.A.No.287 of 2025
and C.M.P.No.2244 of 2025**

Illayaraja
Sub Inspector of Police,
E4, Abiramapuram Police Station,
Chennai.

.. Appellant

Vs.

- 1.Umapathi
S/o.Janakiraman,
No.87, Sarathapuram, 9th Street,
Mylapore, Chennai – 600 004.
- 2.The Government of Tamilnadu,
Rep by the Chief Secretary to Government,
Chief Secretariat,
St.George Fort, Chennai-600 009.
- 3.The Secretary to Government
Home Department, St.George Fort,
Chennai-600 009.
- 4.The Director General of Police,
Mylapore, Chennai-600 004.



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5. The Commissioner of Police,
Commissioner Office, Vepery,
Chennai.

6. The Inspector of Police,
E4, Abiramapuram Police Station,
Chennai.

7. Vadivelu, Head Constable,
E4, Abhirampuram Police Station,
Chennai.

8. Kalaiselvi,
Sub Inspector of Police,
E4, Abiramapuram Police Station,
Chennai.

.. Respondents

Prayer: The Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 17.10.2013 made in W.P.No.31369 of 2014.

For Petitioner : Mr.K.Rajendra Prasad

For Respondents : Mr.R.Thirumoorthy for R1

Mr.P.Kumaresan,
Additional Advocate General
assisted by
Mr.M.Rajendran,
Additional Government Pleader for R2 to R4

Mr.Babu Muthumeeran,
Additional Public Prosecutor for R5 to R8



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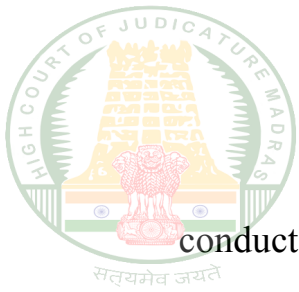
JUDGMENT

(Judgment of the Court was delivered by ***J.NISHA BANU, J.***)

This writ appeal is preferred as against the order of the learned Single Judge dated 17.10.2023 made in W.P.No.31369 of 2014.

2. The entire facts of the case has been narrated in detail in the impugned order of the Writ Court and therefore, it is unnecessary to restate the facts once again. The first respondent herein is the writ petitioner. He filed the aforesaid writ petition praying for a Mandamus directing the respondents 2 to 5 herein to take action against the appellant and the respondents 7 and 8 departmentally for their involvement in Crime No.3119 of 2014 dated 26.11.2014 on the file of the 6th respondent herein and further direct the respondents 2 and 3 to pay Rs.25,00,000/- as compensation to the first respondent for the physical violence done on him by the appellant and the respondents 7 and 8 on 26.11.2014. The said writ petition was disposed of with certain directions, vide the impugned order, against which the appellant is before this Court.

3. The learned counsel for the appellant contended that the RDO had

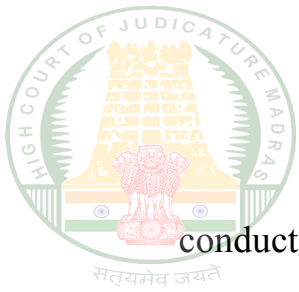


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conducted an enquiry and submitted the report on 07.07.2017, but the said report has not been communicated to the appellant and there is a clear violation of principles of natural justice. It is further contended that at the time of disciplinary enquiry, the RDO has not given any opportunity to the appellant to prove his innocence, which has not been taken note of by the Writ Court and therefore, prays for interference.

4. The crux of the dispute in the present case is that the first respondent was brutally attacked by the appellant and the respondents 7 and 8 for the reason that the first respondent, being a reporter of Tamil Weekly, had taken photographs of the police personnel when they indulged in illegal activities. Though the Revenue Divisional Officer recommended for disciplinary action against the appellant and the respondents 7 and 8, the Enquiry Officer had concluded that the injuries sustained by the first respondent was due to various other reasons and not by the alleged attack by the appellants and two others and further, the Enquiry Officer has acted in a biased manner and concluded the report in favour of the appellant and the respondents 7 and 8. The Writ Court, taking into consideration of all these aspects, found that the entire disciplinary proceedings is vitiated and ordered for denovo enquiry to be



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conducted by an officer not below the rank of Deputy Commissioner of Police.

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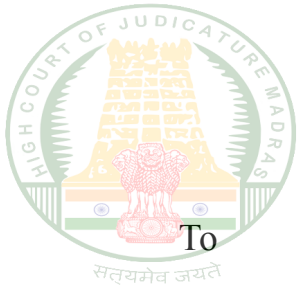
It is the primordial contention of the appellant that he was not given sufficient opportunity to put forth his defence in the disciplinary enquiry. This Court is of the view that the Writ Court has taken into consideration all the factual aspects and rightly ordered for denovo enquiry by setting aside the earlier disciplinary enquiry, which cannot be found fault with.

5. However, taking into consideration the submission made by the learned counsel for the appellant, this Court directs that *de hors* the findings of the Writ Court, enquiry shall be conducted in a fair manner by providing sufficient opportunity to the appellant and other interested parties and the same shall be concluded within a period of twelve weeks from the date of receipt of a copy of this order.

6. This Writ Appeal is dismissed with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] [M.J.R., J.]
07.07.2025

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WEB CLINIC

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Rep by the Chief Secretary to Government,
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