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W.P.No.19935 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.19935 of 2023

Varaaki
S/o.V.Radhakrishnan,
Journalist Founder and President,
Indian Makkal Mandram, No.2/3,
Suthanandha Bharathi Street,
Ganapathy Puram,
Tambaram East, Chennai - 59.

Petitioner(s)

Vs

1. The Government of Tamilnadu
Rep by its Chief Secretary,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Additional Chief Secretary,
Department of Home,
Fort St. George, Secretariat,
Chennai - 600 009.
3. The Director General of Police,
Dr.Radhakrishnan Salai, Mylapore,
Chennai - 600 004.



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4. Davidson Devasirvatham (TN:1995)
Additional Director General of Police
(Intelligence), O/o DGP,
Dr.Radhakrishnan Road, Mylapore,
Chennai – 600 004.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus (i) to direct the 1st respondent to conduct the preliminary enquiry on allegation made by the petitioner representation dated 20.07.2022 and 24.05.2023 and the material placed before this court and other materials, (ii) if findings of the preliminary enquiry reveals the prima facie and then to order departmental action against the 4th respondent in accordance with law.

For Petitioner(s): Mr.P.Vijendran

For Respondent(s): Mr.P.S.Raman,
Advocate General
assisted by
Mr.R.Muniyapparaj,
Additional Public Prosecutor
for R1 and R2

Mr.Hasan Mohamed Jinnah,
Public Prosecutor
assisted by Mr.S.Santhosh,
Government Advocate
(Criminal Side)
for R3



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ORDER

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Heard.

2. This petition was filed by the petitioner seeking issuance of the following directions:

"(i) to direct the 1st respondent to conduct the preliminary enquiry on allegation made by the petitioner representation dated 20.07.2022 & 24.05.2023 and the material placed before this Hon'ble court and other materials.

(ii) If findings of the preliminary enquiry reveals the prima facie and then to order departmental action against the 4th respondent in accordance with the law.

(iii) and pass such other further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case, Award cost and thus render justice."

3. Though number of allegations have been made in this petition against the fourth respondent, we find from various documents which have been placed on record in this petition, as



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also from the counter affidavit and the additional affidavit filed by the third respondent, that not only a criminal case was registered by the police, but long drawn investigation has been conducted and by now as many as 59 persons, including five police officers, have been arrayed as accused on the allegation of having played an active role in issuance of fake passports based on fake/forged documents.

4. We also find that earlier a learned Single Judge of this court at the Madurai Bench had an occasion to go into the nature of allegations levelled against the private respondent and in paragraph (6) of the order dated 27.7.2022 passed in W.P.(MD) No.13544 of 2022 [*R.Sureshkumar v. The Regional Passport Officer, Madurai and another*], it was concluded as below:

"6. One can note that that the buck stops with the nodal officer. The involvement of the officials above the said rank may not really arise. During the relevant time, Shri.S.Davidson Devasirvatham, IPS was the Commissioner of Police, Madurai City. Had the final report been filed before the public interest litigation was instituted in the year 2021; had the



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time limit laid down by the Hon'ble Division Bench been adhered to; had the sanctioning authorities accorded sanction without delay, the present controversy would not have arisen at all. I give a clean chit to Shri.S.Davidson Devasirvatham IPS. At the same time, I compliment Shri.K.Annamalai, the State Bharatiya Janata Party President for having taken up the cause. He has played the role of a watch dog in a democracy. But for him the matter would not have come to light."

5. The writ appeal [W.A.(MD) SR No.49479 of 2022] filed against the said order was also dismissed by order dated 28.3.2023, with the following observations:

"6. In response to the said argument, Mr.Veera Kathiravan, learned Additional Advocate General appearing for the State would submit that the petitioner has no locus standi to intervene in the matter. His request for transfer of investigation was refused and pursuant to the directions issued by the Division Bench of this Court, the Inspector of Police, Q Branch CID Police Station, Madurai, completed the investigation in Crime No.1 of 2019, filed a charge sheet before the learned Judicial Magistrate No.IV,



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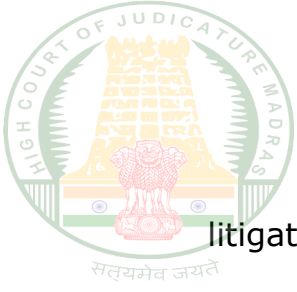


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Madurai and the same has been taken on file in C.C.No.1503 of 2022. Therefore, there is no scope for any further investigation. Hence, according to the learned Additional Advocate General, the remarks made by the Writ Court may not have any bearing on any investigation, which is pending.

7. Even otherwise, the observations of the Writ Court cannot be considered as a final word. The observations, by themselves, will not give any right to the petitioner, a pro bono litigant, to seek leave to file an appeal and seek publicity for himself. In the absence of any possibility of the petitioner being aggrieved or affected by the observations made by the Writ Court and considering the fact that charge sheet has already been laid, we do not think that we should allow the petitioner to perpetuate the nuisance and continue the litigation for ever. Hence, the civil miscellaneous petition is dismissed. Consequently, W.A.(MD) SR No.49479 of 2022 is rejected."

6. Therefore, at this distance of time, no further orders are required to be passed, as the purpose of filing the public interest



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litigation has already been served.

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Writ petition is, accordingly, closed. There shall be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
07.10.2025

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

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Rep by its Chief Secretary,
Fort St. George, Secretariat,
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

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