



W.A(MD)Nos.379 and 380 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)Nos.379 and 380 of 2024
and
C.M.P.(MD)Nos.3366 and 3367 of 2024**

W.A(MD)No.379 of 2024:

1.The State of Tamilnadu,
Represented by its Secretary to Government,
Home Department,
Fort St.George, Chennai-600 009.

2.The Commissioner of Police,
Madurai City, Madurai.

3.The Deputy Commissioner of Police (Law and Order),
Madurai City, Madurai.

4.The Assistant Commissioner of Police,
Thideernagar (Law and Order) Division,
Madurai City, Madurai.

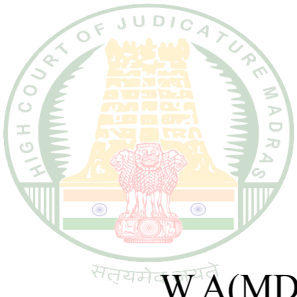
... Appellants

Vs.

J.Yuvaraj

... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.19656 of 2016, dated 29.09.2021.



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Madurai City, Madurai.
- ... Appellants
- Vs.
- J.Yuvaraj
- ... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.4394 of 2017, dated 29.09.2021.

In both cases:

For Appellants	:M/s.D.Farjana Ghoushia Special Government Pleader
For Respondent	:Mr.D.Sivaraman

COMMON JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

The issue in both the writ appeals are similar, hence both were taken
and common order is passed.



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2.(i) The writ appeal in W.A.(MD)No.379 of 2024 is preferred against the order, dated 29.09.2021, passed in W.P.(MD)No.19656 of 2016. The writ petition in W.P.(MD)No.19656 of 2016 is filed for issuance of Writ of Certiorari, to quash the impugned order, dated 08.09.2016.

2.(ii) The writ appeal in W.A.(MD)No.380 of 2024 is filed against the order, dated 29.09.2021, passed in W.P.(MD)No.4394 of 2017. The writ petition in W.P.(MD)No.4394 of 2017 is filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order, dated 03.03.2017, in so far as treating the petitioner as not eligible for upgradation to the post of Head Constable and further, to direct the respondents to promote the petitioner to the post of Head Constable with effect from 01.03.2017 by placing him above his immediate junior with all monetary and consequential benefits.

3. The brief facts as stated in the writ petition are that the respondents therein initiated disciplinary proceedings by issuing a charge memo, dated 08.09.2016, on the only charge that the petitioner has purchased properties without seeking prior permission from the respondents. Before issuing the charge memo, the respondents had repeatedly issued memos and the petitioner



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had submitted several replies explaining that the petitioner's father and mother had left some properties and the family as a whole decided to sell one of the properties inherited from the petitioner's mother for the purpose of purchasing another property. The petitioner had submitted a representation to the 2nd respondent on 15.04.2013, seeking permission to purchase the property. Thereafter, the petitioner along with his family members sold the co-ownership properties on 10.06.2013. Out of the sale proceeds, the petitioner and his brother jointly purchased the land.

4. The Learned Single Judge had considered the rival contentions and held when the petitioner had submitted the representation, dated 15.04.2013, thereby, intimated to the respondents regarding the selling of the property and purchase of the new property and the said representation would satisfy Rule 9 of Tamil Nadu Subordinate Police Officers Conduct Rules, 1964. Specifically, as per Rule 9(1)(a), it is sufficed if the employee gives a notice to the prescribed authority regarding the sale and purchase of the property. The said notice, dated 15.04.2013, by the petitioner would satisfy Rule 9(1)(a). Hence, the Learned Single Judge allowed the writ petitions.



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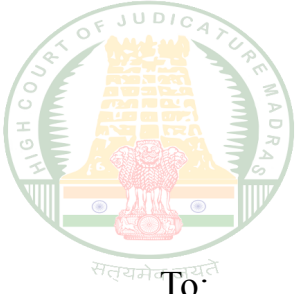
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5. Aggrieved over the same, the present writ appeals are preferred by the respondents in the writ petitions. The contention of the appellants is that the writ petitioner had not obtained prior permission for selling and purchasing the property. This Court is of the considered opinion that prior permission is not necessary and only a simple notice to the appellants is sufficient as per Rule 9(1)(a). When the writ petitioner had issued notice to the appellants indicating the intention to sell and purchase the property thereby satisfied Rule 9(1)(a), then the appellants are incorrect. The Writ Court has rightly considered the issue and allowed the writ petitions. There is no infirmity in the orders passed in the writ petitions. Hence, both the writ appeals are dismissed and the orders passed in the writ petitions are confirmed. No costs. Consequently, connected miscellaneous petitions are closed.

[J.N.B., J.] [S.S.Y., J.]
27.02.2025

Index : Yes / No

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