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W.A.No.1113 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WA No.1113 of 2026
and CMP Nos.11099 and 11102 of 2026

B.Kumar
S/o.K.Banu,
A4, Inspector of Police Quarters,
Kannankurichi Police Station,
Kannakurichi, Salem - 636008.

Appellant(s)

Vs

1. D.Jayaprakash Narayanan,
S/o. Damodaran,
No.401, NGGO Colony,
Salamedu, Villupuram - 605602.
2. The State of Tamil Nadu
Rep. by Principal Secretary
to Government,
Home (Police-HR) Department,
Secretariat, Fort St. George,
Chennai - 600 009.
3. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

Respondent(s)



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PRAYER: Appeal under Clause 15 of the Letters Patent to set aside the order in Rev.Appln (Writ) No.289 of 2025 dated 23.02.2026 in WP No.21946 of 2023 and allow the appeal.

For Appellant(s): Mr.R.John Sathyan
Senior Counsel
for Mr. A.P.Pasupathy

For Respondent(s): Mr.M.Habeeb Rahman
Government Advocate for R2

Mr. K.M.D.Muhilan
Additional Public Prosecutor
for R3

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

This appeal is filed seeking to set aside the order dated 23.02.2026 passed by the learned Single Judge in Rev.Appln (Writ) No.289 of 2025.

2.1. The facts of the case run thus: The appellant was not a party to W.P.No.21946 of 2023. However, by the impugned order dated 28.10.2025, the learned Single Judge issued directions affecting the rights of the appellant, including (i) initiation of disciplinary proceedings against retired police officials under the



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Pension Rules; and (ii) registration of a criminal case against the appellant and two other retired police officers. As the said order was passed without affording any opportunity to the appellant, he filed Review Application (Writ) No.289 of 2025 in so far as the direction relating to registration of FIR.

2.2. It is the case of the appellant that an FIR in Crime No.70 of 2009 on the file of the Inspector of Police, Villupuram West Police Station, had already been registered against him based on the complaint of the first respondent. The said case was closed as “mistake of fact” on 29.07.2009 after investigation. Despite challenge to the same by the first respondent, he remained unsuccessful.

2.3. It is further stated that the first respondent, by suppressing material facts, obtained an order from the State Human Rights Commission in Case No.11609 of 2008. By order dated 16.09.2019, the Commission recommended (i) payment of compensation of Rs.5 lakhs; (ii) registration of criminal cases against the concerned police officers; (iii) departmental action; and

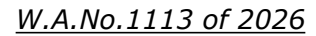


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(iv) denial of further promotion to the appellant. Based on the said recommendation, the Government issued G.O. (D) No. 289 dated 13.03.2023. The compensation has been paid and recovery is being effected from the appellant and others.

2.4. It is further averred that the first respondent filed W.P.No. 21946 of 2023 seeking implementation of the said Government Order, while suppressing crucial facts, including (i) prior registration and closure of FIR in Crime No.70 of 2009; (ii) dismissal of earlier criminal original petitions; and (iii) pendency of the protest petition at the relevant time. During the pendency of the writ petition, the first respondent suppressed the fact that the protest petition had been dismissed on 31.12.2024 and that an appeal had been filed on 16.04.2025 before this Court challenging such dismissal.

2.5. It is the plea of the appellant that the Director General of Police, by office memorandum dated 01.03.2024, informed the Government that compliance with G.O.(D) No.289, dated 13.03.2023, in so far as it directed registration of a second FIR, was



2.6. It is asserted that without considering the above material facts, including the status report filed by the official respondents and the legal bar against registration of a second FIR for the same cause of action, the learned Single Judge, by order dated 28.10.2025, directed initiation of disciplinary proceedings and registration of a criminal case against the appellant and others. As the appellant was not heard in the writ proceedings, he obtained leave and filed Review Application (Writ) No.289 of 2025, *inter alia* on the grounds of suppression of material facts and the legal prohibition against registration of a second FIR. However, the learned Judge dismissed the review application on 23.02.2026. Hence, the present appeal.

3. We have heard learned Senior Counsel for the appellant and learned counsel for the respondents.



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4. It is not in dispute that in W.P.No.21946 of 2023 filed by the first respondent herein, the appellant was not arrayed as a party respondent. The first respondent has sought implementation of a government order, which will have adverse affect on the rights of the appellant herein. However, the learned Single Judge disposed of the writ petition by order dated 28.10.2025.

5. It is the specific case of the appellant that the prior registration and closure of FIR in Crime No.70 of 2009; the dismissal of earlier criminal original petitions filed by the first respondent; and the dismissal of the protest petition filed by the first respondent were suppressed before the learned Single Judge.

6. Despite obtaining leave and placing the aforesaid facts in the review application, the learned Single Judge, vide the order dated 23.2.2026, dismissed the review application with the following direction:

"8. The facts in the present case are not in dispute. Considering the fact that the aforesaid Government Order has already been upheld by this Court in the earlier writ proceedings to which, the petitioner in Review Application No.289 of 2025 was not a party,



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this Court holds that these review applications are not maintainable and are liable to be dismissed. If at all the review petitioners have any grievance, the proper course open to them would be to pursue their remedy either by filing an appeal or by seeking modification of the said Government Order.

9. In the light of the above, this Court, without expressing any opinion on the merits of the case, extends the interim order which was already granted by this Court, for a further period of ten weeks from the date of this order so as to enable the petitioners to workout their remedy in the manner known to law.”

7. When the specific case of the appellant, who was not heard in the writ proceedings, was that an earlier criminal case has been registered and closed as mistake of fact, and that the proceedings initiated by the first respondent by filing protest petition also failed and these facts were suppressed by the first respondent, the learned Single Judge ought to have considered these aspects, rather than dismissing the review application. In any event, disposal of the writ petition filed by the first respondent without even arraying the appellant herein as a party, when his rights are likely to be affected, certainly warrants interference.



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8. For the foregoing reasons, the order dated 23.2.2026 passed in the review application is set aside and the matter is remanded to the learned Single Judge to hear the review application afresh and till the review application is disposed of, the order passed in the writ petition shall not be given effect to.

9. Writ appeal is partly allowed to the extent indicated above. There shall be no order as to costs. Consequently, interim applications stand closed.

We make it clear that we have not expressed any opinion on the merits of the matter and only on the ground that the order in the writ petition was passed without arraying the appellant as a party, the aforesaid order is passed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
28.04.2026

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



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To:

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1. The Principal Secretary
to Government,
State of Tamil Nadu
Home (Police-HR) Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai – 600 004.



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

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