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W.A.No.300 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WA No.300 of 2026
and CMP No.2690 of 2026

Adhi Veera Pandiyan
S/o.Kunjithapatham,
No.21/8, 26th Street, Kennedy Street,
GKM Colony, Jawaharr Nagar,
Chennai - 600 082.

Appellant(s)

Vs

1. Umapathi
S/o.Janakiraman,
No.87, Sararthapuram, 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, Chief Secretariat,
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
E-4, Abiramapuram Police Station,
Chennai
7. Illayaraja
Sub Inspector of Police,
E4, Abiramapuram Police Station,
Chennai.
8. Vadivelu
Head Constable,
E4, Abiramapuram Police Station,
Chennai.
9. Kalaiselvi
Sub Inspector of Police,
E4, Abiramapuram Police Station,
Chennai.

Respondent(s)

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order of the learned Single Judge in WP No.31369 of 2014, dated 17.10.2023 and allow this appeal.

For Appellant(s): Mr. Rajandra Prasad.K

For Respondent(s): Mr. R.Thirumoorthy for R1

Mr. R.Veeramani
Government Pleader
for R2 and R3

Mr. MA.Gouthaman
for R9



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R4 to R6, R7 and R8 -
No Appearance

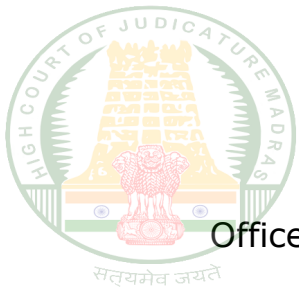
JUDGMENT

(Delivered by the Hon'ble Chief Justice)

This appeal is directed against the order dated 17.10.2023 passed by the learned Single Judge in W.P.No.31369 of 2014. The appellant, who was a third party to the original writ proceedings, is specifically aggrieved by the adverse findings and the positive direction contained in Clause (iv) of Paragraph 23 of the impugned order.

2.1. The facts in a nutshell are that the first respondent herein (the writ petitioner) filed W.P.No.31369 of 2014 seeking initiation of departmental action against respondent Nos.7 to 9 herein and to direct respondent Nos.2 and 3 to pay compensation to him.

2.2. The appellant, serving as the Deputy Commissioner of Police, Kilpauk District, East Zone, was appointed as the Enquiry



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Officer to conduct a departmental enquiry against the delinquent police officials. The appellant conducted the original enquiry and passed a final order on 04.03.2021, concluding that the charges levelled against respondent Nos.7 to 9 were not proved.

2.3. While disposing of the writ petition, the learned Single Judge observed that the appellant conducted a "shabby enquiry" and submitted a report that ignored overwhelming clinching evidence in order to favour the delinquents. Consequently, vide Clause (iv) of paragraph 23 of the impugned judgment, the learned Single Judge issued a positive direction to the fourth respondent (Director General of Police) to initiate appropriate disciplinary action against the appellant.

3. Learned counsel for the appellant challenges the impugned direction primarily on the grounds of violation of the rudimentary principles of natural justice and jurisdictional overreach:

- (i) The appellant was neither a party to the writ petition proceedings, nor was he issued any notice by the writ court. The adverse findings and directions



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were passed behind his back, thereby violating the cardinal principle of *audi alteram partem*.

(ii) The writ petitioner/first respondent herein never sought any relief, nor made any specific allegations against the appellant in the original writ petition.

(iii) The appellant was merely performing his official duty as a Departmental Enquiry Officer in accordance with departmental procedures.

(iv) The learned Single Judge erred in rendering personal findings without any pleadings or materials placed against the appellant, thereby travelling beyond the scope of the writ petition.

(v) Issuing a positive direction to initiate disciplinary action against a non-party officer constitutes an encroachment upon the domain of the executive and disciplinary authority and violates Articles 14 and 21 of the Constitution of India and damages the appellant's professional record and service career.



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4. Learned counsel for the respondents reiterated the reasons that weighed with the learned Single Judge and prayed for dismissal of the appeal.

5. The core legal issue in this appeal is whether the writ court can direct disciplinary proceedings against a government officer who was not impleaded as a party to the lis and was not afforded an opportunity to defend himself.

6. The Supreme Court of India has consistently deprecated the practice of condemning individuals unheard. In *State of Bihar v. P.P. Sharma*¹, the Supreme Court held thus:

"55. It is a settled law that the person against whom mala fides or bias was imputed should be impleaded eo nomine as a party respondent to the proceedings and given an opportunity to meet those allegations. In his/her absence no enquiry into those allegations would be made. Otherwise it itself is violative of the principles of natural justice as it amounts to condemning a person without an opportunity. ... The reasoning of the courts below that if an authority does not act

¹ 1992 Supp (1) SCC 222



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impartially or in good faith then a reasonable mind can definitely infer the bias for reason best known to the authorities is too wide a statement of law in the context of police/Investigating Officer.”

[emphasis supplied]

7. In *Om Prakash Chautala v. Kanwar Bhan*², the Supreme Court held that reputation is an inseparable facet of Article 21 of the Constitution. Courts must exercise profound restraint and adhere strictly to normative legal principles before making any adverse remarks. When observations cast a serious aspersion on an officer's character, integrity, or career, making such remarks without notice is totally impermissible and warrants expunction.

8. A court exercising jurisdiction under Article 226 should not act as a disciplinary authority. Directing the initiation of departmental action against a Enquiry Officer for findings rendered in their official capacity, amounts to a breach of the separation of powers.

² (2014) 5 SCC 417



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9. Applying the aforecited propositions of the Supreme Court to the facts at hand, it is manifestly clear that the learned Single Judge erred in issuing directions against the appellant. The appellant was not a party to the writ petition, no notice was served upon him, and the findings were rendered without affording him an opportunity to defend his official actions. Such an order is legally unsustainable.

10. Accordingly, the writ appeal is allowed to the extent indicated below:

- (i) Clause (iv) of Paragraph 23 of the impugned order dated 17.10.2023 in W.P.No.31369 of 2014, which directs the initiation of disciplinary action against the appellant, is hereby set aside and deleted; and
- (ii) All adverse observations and remarks made against the appellant in the impugned judgment shall stand expunged from the record.



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There shall be no order as to costs. Consequently, interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
22.06.2026

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

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

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