

M.Krishnamohan Vs. 1) the Deputy Inspector General of Police,

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Court : Chennai

Decided On : Dec-12-2014

Judge : T.Raja

Appellant : M.Krishnamohan

Respondent : 1) the Deputy Inspector General of Police,

Judgement :

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT DATED :

12. 12.2014 CORAM THE HONOURABLE MR.JUSTICE T.RAJA Writ Petition(MD)No.9217 of 2012 and Contempt Petition(MD)No.1265 of 2013 and M.P(MD)No.1 of 2012 Writ Petition(MD)No.9217 of 2012 M.Krishnamohan ... Petitioner Vs. 1) The Deputy Inspector General of Police, Trichy Region, Trichy. 2) The Superintendent of Police, Office of the Superintendent of Police, Karur District, Karur. 3) The Inspector of Police, Pasupathipalayam Police Station, Pasupathipalayam, Karur District. ... Respondents Prayer : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 3rd respondent to return back the 25 original certificates (Provisional) of the students studying in the college, 100 original teaching experience certificate, Canon Video Camera, M.S.E.S College Letter Pad and Van Key bearing Reg No.TN47 AA1519 !For Petitioner : Mr.M.Krishnamohan/Party-in-person For Respondents : Mr.R.Velmurugan, GA Contempt Petition(MD)No.1265 of 2013 1)M.Shankar 2)P.Kavitha 3)S.Vaitheeswari 4)A.Ponnarasi 5)N.Sakthivel ...

Petitioners Vs. 1) M.Krishnamohan, The Correspondent, MSES College of Education, Administered by Makkal Sakthi, Educational Society, 1st Floor, S.F.No.721, Thanthoniramalai-639 005. 2) Sudha, The Principal, MSES College of Education, Administered by Makkal Sakthi, Educational Society, 1st Floor, S.F.No.721, Thanthoniramalai-639 005. 3) Annamalai University, Rep.by its Registrar, Annamalai Nagar, Chidambaram. 4) Madras University, Rep.by its Registrar, Kamarajar Salai, Chennai. 5) Board of Higher Secondary Examinations, Rep.by its Secretary, Department of Government Examinations, Chennai-06. 6) Board of Secondary Education, Department of Government Examination, Chennai-06. 7) The Tahsildar, Omalur Taluk, Salem District. 8) The Tahsildar, Arur Taluk, Dharmapuri District. Respondents (R3 to R8 were impleaded by order dated 12.12.2014 made in Sub.A(MD)No.199 of 2014 in Cont.P(MD)No.1265 of 2013) Prayer : Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for their wilful disobedience of the order passed by this Hon'ble Court in W.P(MD)No.12006 of 2013 dated 03.10.2013. For Petitioners : Mr.Krishnamoorthy For Respondents : Mr.M.Krishnamohan/Party-in-person :COMMON

ORDER

The writ petition has been filed by M.Krishnamohan seeking issuance of a Writ of Mandamus, directing the 3rd respondent/Inspector of Police, Pasupathipalayam Police Station, Karur District, to return back the 25 original certificates (Provisional) of the students studying in the college, 100 original teaching experience certificate, Canon Video Camera, M.S.E.S College Letter Pad and Van Key bearing Reg No.TN47 AA1519 2. Complaining non compliance of the order made in W.P(MD)No.12006 of 2013 dated 03.10.2013 the contempt petition has been filed.

3. When the matter was taken up for hearing, Mr.Krishnamoorthy, learned counsel appearing for the contempt petitioners fairly submitted that during the pendency of the matter, the contempt petitioners have received from someone by Ordinary Post the covers containing their Transfer Certificates. Learned counsel stated that the first petitioner/M.Shankar has to receive B.Sc degree certificate in Maths subject from University of Madras, second petitioner/P.Kavitha has to receive B.Lit Mark Statement, Convocation Certificate and Provisional Certificate from

Annamalai University, third petitioner/S.Vaitheeswari has to receive B.A degree certificate in History subject from Annamalai University, fourth petitioner/A.Ponnarasi has to receive B.Lit(Tamil) Convocation Certificate from Annamalai University and fifth petitioner/N.Sakthivel has to receive B.Lit(Tamil) Convocation Certificate from Annamalai University.

4. Mr.P.Malaichamy, Deputy Superintendent of Police, CB CID, Trichy Range, Trichy, who was appointed as the investigating officer in this case after conducting a detailed investigation has filed two status reports.

5. M.Krishnamohan/Correspondent of MSES College of Education, Thanthoniramalai, who is the petitioner in the writ petition appeared before this Court in person and submitted that all the contempt petitioners have got back the certificates, but only to defame the college and to put him in a deep problem have come to this Court making false prayer.

6. But this Court, after going through the affidavits filed by the contempt petitioners and the status reports filed by Mr.P.Malaichamy, Deputy Superintendent of Police, CB CID, Trichy Range, Trichy, taking note of the plight of the petitioners who have not only lost their valuable time in pursuing their higher studies, but also their aforementioned certificates, to meet the ends of justice hereby directs all the petitioners to make their individual applications seeking duplicate copies of their respective certificates which are discussed in paragraph 3 of this order, to the respective respondents in the contempt petition namely, the Registrar, Annamalai University, Annamalai Nagar, Chidambaram and the Registrar, Madras University, Kamarajar Salai, Chennai. On receipt of such applications from the contempt petitioners, the respondents 3 and 4 namely, the Registrar, Annamalai University, Annamalai Nagar, Chidambaram and the Registrar, Madras University, Kamarajar Salai, Chennai, are directed to consider their applications without looking into other procedures and issue duplicate certificates sought for by the petitioners in their respective applications without insisting payment of any charges thereof. The respondents 3 and 4 in the contempt petition are directed to comply with the aforesaid direction within a period of four weeks from the date of receipt of the applications to be submitted by the contempt petitioners.

7. The petitioners with the fond hope to become Teachers joined the respondent college by paying huge fees, but sadly they lost their hopes to become Teachers and valuable time and money, due to the negligence of the college authorities, therefore, taking note of the difficulties faced by the contempt petitioners and considering the period spent in litigation, this Court directs the writ petitioner, Mr.M.Krishnamohan/Correspondent of MSES College of Education, Thanthoniramalai, to pay a sum of Rs.50,000/- each, to the contempt petitioners towards compensation within a period of two months from the date of receipt of a copy of this order failing which, the District Collector, Karur District, is directed to initiate revenue recovery proceedings.

8. In view of the above directions and since the criminal case registered against the writ petitioner is pending, this Court is not in a position to grant the relief sought for in W.P.No.9217 of 2012 accordingly, the writ petition is dismissed. Consequently, M.P(MD)No.1 of 2012 is closed. No costs.

9. Registry is directed to list the contempt petition in the Month of March 2015 for reporting compliance of this order. 12.12.2014 NB2 To 1) The Deputy Inspector General of Police, Trichy Region, Trichy. 2) The Superintendent of Police, Office of the Superintendent of Police, Karur District, Karur. 3) The Inspector of Police, Pasupathipalayam Police Station, Pasupathipalayam, Karur District. 4) Annamalai University, Rep.by its Registrar, Annamalai Nagar, Chidambaram. T.RAJA, J.

NB2 5) Madras University, Rep.by its Registrar, Kamarajar Salai, Chennai. 6) Board of Higher Secondary Examinations, Rep.by its Secretary, Department of Government Examinations, Chennai-06. 7) Board of Secondary Education, Department of Government Examination, Chennai-06. 8) The Tahsildar, Omalur Taluk, Salem District. 9) The Tahsildar, Arur Taluk, Dharmapuri District. W.P(MD)No.9217 of 2012 and Cont.P(MD)No.1265 of 2013 12.12.2014

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