

V. Vellaswamy

Vs

Inspector General of Police, Tamil Nadu, Madras and Another

Civil Appeal No. 1808 of 1981

(D.A. Desai, R.B. Misra JJ)

03.08.1981

JUDGMENT

1. The only point that survives for consideration at this stage is whether the High Court was right in dismissing the writ petition on the only ground that there was an alternative remedy, namely, that a review petition could have been filed before the Government under Rule 15-A of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955. Maybe, there was considerable substance in this view under Article 226 of the Constitution as amended by the Forty-second Constitution (Amendment) Act. But Article 226 has undergone a further amendment. As the Article now stands, it would be a serious question whether a right to review a proceeding by itself would provide such alternative efficacious remedy to disentitle a petitioner to move the High Court under Article 226. We think it would be rather harsh.

2. In the circumstances, the only course open to us is to allow this appeal, set aside the order of the High Court and remand the writ petition to the High Court to dispose it of in accordance with law on merits. There shall be no order as to costs. In view of the fact that some time has elapsed, we hope that the High Court would dispose of the writ petition as expeditiously as possible.

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