

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2015

Coram :

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.No. 4813 OF 2013

V. Balaji

Petitioner

Vs

1. The State of Tamilnadu,
represented by its Principal Secretary,
Home Department,
Fort St. George,
Chennai - 9.
2. The Director General of Police,
Tamilnadu Police Department,
Kamarajar Salai,
Chennai.
3. The Commissioner of Police,
Greater Chennai,
Egmore, Chennai.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the 1st respondent to issue necessary direction to the 3rd respondent to take appropriate action, by considering the petitioner's grievances, enlightened in the representation made by the petitioner dated 15.11.2012 to the 1st respondent.

For Petitioner : Mr.G. Velu

For Respondents : Mr.R. Vijayakumar

Addl. Govt. Pleader (R1 to R3)

ORDER

Heard the learned counsel for the petitioner and learned Additional Government Pleader appearing for the respondents.

2. The Petitioner seeks for issuance of a Writ of Mandamus to direct the 1st respondent namely the Principal Secretary of Home Department, Government of Tamilnadu to consider his grievance made in his representation dated 15.11.2012. Though the writ petition was filed on 25.2.2013, repeatedly, the matter has been adjourned at the instance of the petitioner and in August 2013, the Government was directed to get instructions in the matter.

3. From the instructions furnished to the learned Additional Government Pleader, it is seen that the petitioner himself admitted that one accused S.K.Pandian @ Damodaran is a paramour of his mother

and the above said S.K.Pandian @ Damodaran has stayed with them under one roof since 1988 and the petitioner and his mother might have severed their ties with S.K.Pandian @ Damodaran. The above said S.K.Pandian @ Damodaran is a habitual offender and is an accused in S-7, Madipakkam P.S.Cr.No.363/2009 u/s.457, 380 IPC and he is facing trial before the Judicial Magistrate Court, Alandur vide CC.No.19/2010 and as the above said S.K. Pandian @ Damodaran has failed to attend the court proceedings, NBW was issued against him by the JM, Alandur on 20.04.2010. At the time of his arrest and confessional statement in the above case, the accused S.K.Pandian @ Damodaran gave the address where the petitioner is said to be staying and to execute the NBW, police visited the address given by him where the petitioner is staying. It is the customary practice of the police and nothing much can be read through this. However, when the accused himself had appeared and disclosed that he had severed his ties with the petitioner and his mother, police did not enquire him thereafter."

4. In the light of the stand taken by the respondents, question of issuing a writ of mandamus as sought for does not arise, more particularly when the representation was made in 2012. Hence the Writ Petition is closed. However, it is open to the petitioner to agitate his grievance before the appropriate forum, if still there are issues which are adverse to the petitioner. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

msr

To

- 1.The Principal Secretary,
The State of Tamilnadu
Home Department,
Fort St. George,
Chennai - 9.
 - 2.The Director General of Police,
Tamilnadu Police Department,
Kamarajar Salai,
Chennai.
 - 3.The Commissioner of Police,
Greater Chennai,
Egmore, Chennai.
- 1 cc to Government Pleader, Sr.No7574

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br (co) pmk.21.3.2015