

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.31482 of 2015

J.Krishnakumar

...Petitioner

Vs.

1. The Secretary to Government,
Home Department, Fort St. George,
Chennai - 600 009.
2. The Director General of Police,
O/o. Director General of Police,
Mylapore, Chennai - 600 004.
3. The Deputy Inspector General of Police,
No.5, Kamarajar Road,
Race Course,
Coimbatore.
4. The Superintendent of Police,
Coimbatore Rural,
Ram Nagar, Coimbatore.
5. The Inspector of Police,
Mahalingapuram Police Station,
Mahalingapuram, Pollachi Taluk,
Coimbatore District.
6. Mr.Arulprakash
Sub Inspector of Police,
Mahalingapuram Police Station,
Mahalingapuram, Pollachi Taluk,
Coimbatore District.

....Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on

15.09.2015 within a stipulated time.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.P.Sanjai Gandhi
(for R1 to R5)
Additional Government Pleader

Mr.S.Thirumavalavan (for R6)

O R D E R

This Writ Petition has been filed by the petitioner to issue a Writ of Mandamus, directing the first respondent to consider and pass orders on merits by disposing the representation made by the petitioner on 15.09.2015 within a stipulated time.

2. The petitioner's father was elected as Pollachi Municipal 7th Ward Councilor for the past 15 years and now functioning as Municipal Councilor for 7th Ward. It is the case of the petitioner that whenever any grievance reported by the public of 7th Ward Pollachi Municipal, he and his father approached the officials and police department and represented on behalf of the public. When the officials failed to discharge their duties, they questioned them. Hence, the respondent police got annoyed against them and taken vengeance against them and therefore, the 5th respondent herein has registered false cases against the petitioner and his father one after another from the year 2002 onwards. In the year 2007, the fifth respondent police wantonly and deliberately implicated the petitioner's name in the history sheet. The petitioner further submits that the fifth and sixth respondents frequently registering false cases against the petitioner and sent communication to the third parties, as if his name has been included in the rowdy list. Hence, the petitioner made a representation before the respondents as well as Human Rights Commission to take appropriate action against the fifth and sixth respondents police including claim for compensation on 15.09.2015. But, till date no orders have been passed. Hence, the petitioner came forward to file this writ petition directing the first respondent to consider his representation and pass orders on merits.

3. A counter affidavit was filed by the 5th respondent, by denying all the allegations made in the affidavit filed by the

petitioner, stating that the petitioner has involved in various offences under the police limits of Mahalingapuram Police Station, Pollachi Taluk, Coimbatore District. In view of his continuous involvement in criminal cases, a history sheet was opened in the year 2004 on the file of the Mahalingapuram Police Station. Since, the petitioner is not involved in criminal activities from 2010 to 2014, the said history sheet was closed during 2014. Further, when the petitioner noticed that the history sheet was closed, he started his activities by threatening public and other kind of illegal activities. Two complaints were lodged against the petitioner on the file of Mahalingapuram Police Station and the same were registered in Crime No.65 of 2015 and Crime No.106 of 2015. However, Crime No.65 of 2015 was closed as mistake of fact after due investigation. So far as, in Crime No.106 of 2015, final report was filed before the Magistrate Court and the matter was posted for trial. In order to threaten the local police officials, the petitioner has given a representation. Therefore, the representation given by the petitioner was referred to the Deputy Superintendent of Police, Pollachi for the purpose of conducting enquiry and file a report on the same. In the meanwhile, the petitioner has filed the present writ petition before this Court.

4. In Paragraph No.7 of the counter affidavit, it has been stated that the petitioner has submitted a representation on 15.09.2015 and without giving breathing time to the Higher Officials as well as the Government, he filed the present writ petition. Since, the representation was forwarded to the Deputy Superintendent of Police by the higher police officials and the same has been enquired into by the Deputy Superintendent of Police, the present writ petition is liable to be dismissed.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 5 and the learned counsel appearing for the sixth respondent.

6. From the counter affidavit, it could be seen that already the petitioner's representation was forwarded to the Deputy Superintendent of Police, Pollachi and he has also conducted the enquiry. At this juncture, I am of the opinion that instead of giving any specific direction to the respondents, it would be appropriate to direct the Deputy Superintendent of Police, Pollachi to complete the enquiry on the petitioner's representation dated 15.09.2015 and pass appropriate orders on merits.

7. Accordingly, the Deputy Superintendent of Police, Pollachi is directed to complete the enquiry on the petitioner's representation dated 15.09.2015 and pass appropriate orders on merits, as early as possible, preferably within a period of six weeks from the date of receipt of a copy of this order.

This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vs/vsm

To

1. The Secretary to Government,
Home Department, Fort St. George,
Chennai - 600 009.
2. The Director General of Police,
O/o. Director General of Police,
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Sub Inspector of Police,
Mahalingapuram Police Station,
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Coimbatore District.

1 CC to Mr.C.Prakasam, Advocate SR.No. 62666

1 CC to the Government Pleader, SR.No. 62652

W.P.No.31482 of 2015

AR CO(CO)
PSI (27.11.2015)



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