

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.11.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.36609 of 2015

Traffic Dr.K.R.Ramaswamy
Social Activist/Senior Citizen,
S/o. Ranaswamy,
3rd Floor, No.123, Prakasam Salai,
Chennai - 600 108.

... Petitioner

Vs

State Represented by,
1. The Home Secretary,
Department of Home Affairs,
Fort St.George,
Chennai-600 009.

2. The Director General of Police,
DGP Office, Kamarajar Salai,
Mylapore,
Chennai-600 004.

3. The Commissioner of Police,
Chennai City,
Vepery, Chennai-600 007.

4. Mr.Siva Baskar,
Assistant Commissioner of Police,
Teynampet Range,
Chennai-600 018.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondents to consider the petitioner's representation MISC/269/2015 dated 14.11.2015 sent by Fax and in person through Messenger to respondents and take necessary action against the Assistant Commissioner of Police.

For Petitioner

: Traffic Dr.K.R.Ramaswamy

For Respondents

: Mr.V.Jayaprakash Narayanan,
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. This writ petition has been filed seeking for writ of Mandamus directing the respondents to consider the petitioner's representation dated 14.11.2015.

3. The petitioner would state that he was taking treatment for fracture in his knee. On 14.11.2015 at 11.30 a.m. the petitioner went to the hospital and after completing his treatment, returned about 12.30 p.m. to his office for taking rest as advised by his doctor. When he was returning from the hospital to his office at TTK Road near Alwarpet signal, the Assistant Commissioner of Police stopped the petitioner's car and asked to get down from the car and also, scolded him with filthy language and threatened the petitioner's life with dire consequences.

4. It is further alleged that at that time, one lady attempted to murder the petitioner with the kerosene in front of the Assistant Commissioner. But, the Assistant Commissioner instead of taking action against that lady, encouraged her and therefore, he made a representation on 14.11.2015 by Fax and also through messenger in person. Since no action was taken, the present writ petition has been filed.

5. Even according to the petitioner, he gave the representation on 14.11.2015, however, chose to file the writ petition on 16.11.2015. It is well settled that before filing a writ of Mandamus, the petitioner should give sufficient time to the authorities to act on the representation. In the instant case, the writ petition was filed within a period of two days without affording reasonable time to the respondent to act upon the representation of the petitioner.

6. In such view of the matters, the writ petition is dismissed as pre-mature. However, there is no order as to costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Home Secretary,
Department of Home Affairs,
Fort St.George,
Chennai-600 009.

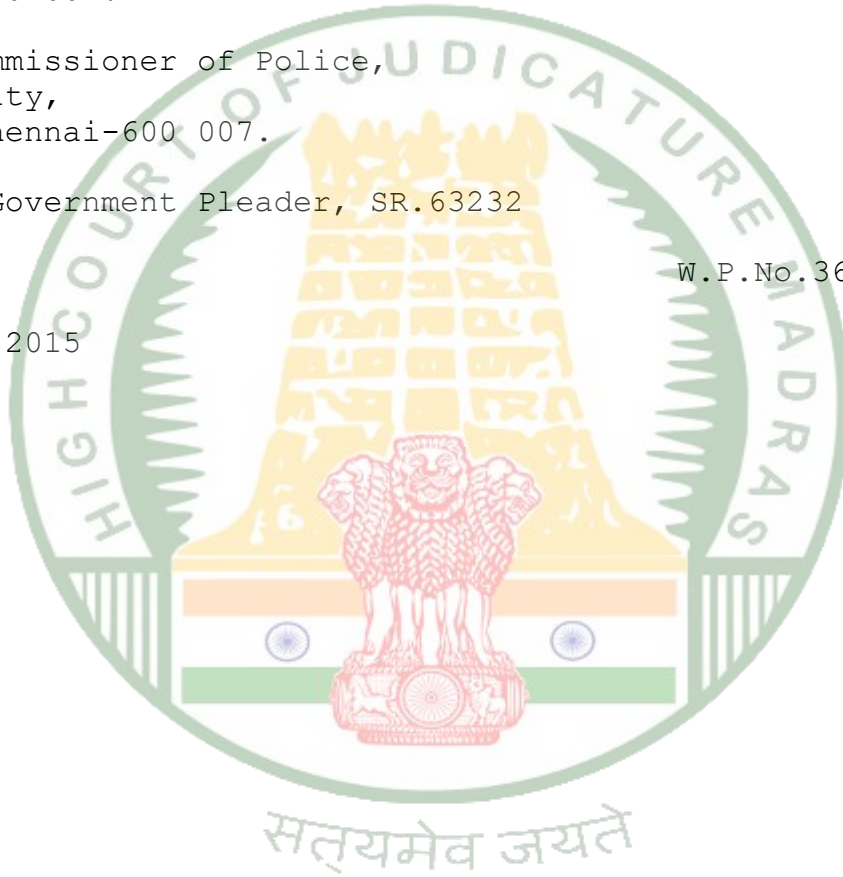
2. The Director General of Police,
DGP Office, Kamarajar Salai,
Mylapore,
Chennai-600 004.

3. The Commissioner of Police,
Chennai City,
Vepery, Chennai-600 007.

+1 cc to Government Pleader, SR.63232

W.P.No.36609 of 2015

rsk co
kra 17.12.2015



WEB COPY