



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2015

CORAM:

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.(MD)No.17340 of 2015

V.Mahalingam

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City.

2.Sethumani Mathavan,
The Inspector of Police,
(Law and Order),
Avaniyapuram Police Station,
Madurai City.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to take appropriate and necessary departmental action as against the 2nd respondent for having misused and abused the powers as against the petitioner based on the petitioner's representation dated 24.04.2015 made to the 1st respondent.

For Petitioner : Mr.K.Kannan
For Respondents : Mrs.S.Bharathi, G.A.

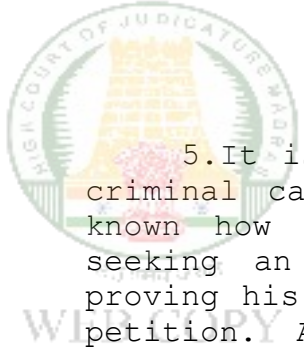
O R D E R

This Writ petition has been filed by the petitioner viz.,V.Mahalingam, to issue a Writ of Mandamus, directing the 1st respondent to take appropriate departmental action against the 2nd respondent for having misused and abused the powers against the petitioner based on the petitioner's representation dated 24.04.2015.

2.Mrs.K.Bharathi, learned Government Advocate takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

3.The case of the petitioner is that a criminal case in Crime No.542 of 2015 has been registered against him by the 2nd respondent on the basis of the compliant given by one S.Murugesan.

4.The grievance of the petitioner is that on the basis of the direction given by the local Police, the petitioner has shifted his residence to some area from Avaniyapuram. While he is residing peacefully, with regard to an untoward incident, which took place at the instance of his rival group, he has been implicated as an accused in Crime No.542 of 2015 and the same has been registered by the 2nd respondent by misusing his official poers. Pending consideration of the criminal case, the petitioner has come to this Court with the present Writ petition.



5. It is an admitted fact that the 2nd respondent has registered the criminal case against the petitioner. When that being so, it is not known how the petitioner has come to this Court under Article 226, seeking an order to take action against the 2nd respondent, without proving his innocence. Therefore, this Court finds no merit in the Writ petition. Accordingly, the Writ petition is dismissed. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Madurai City.
2. The Inspector of Police,
(Law and Order),
Avaniyapuram Police Station,
Madurai City.

+1cc to The Special Government Pleader, Madurai. SR.No.56828

W.P. (MD) No.17340 of 2015

25.09.2015

nbj
NS/NGM-SS/17.11.2015 : 2P/4C