



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2015

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THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P. (MD) .No.20272 of 2015

A.Sankaraveluthevar

... Petitioner

Vs.

1.The Secretary to Government,
Home Prohibition and Excise Department,
Chennai-600 009.

2.The Director General of Police,
Beach Road,
Chennai.

3.The Commissioner of Police,
Tiruneleveli City,
Tirunelveli.

4.The Assistant Commissioner,
Tirunelveli City,
Palayamkottai.

5.The Deputy Superintendent of Police(Rural)
Thalayuthu,
Tirunelveli District.

6.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.

7.The Sub-Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents 1 to 3 herein to conduct enquiry against the respondent Nos.4 to 7 on the allegation leveled against them, based on the petitioner's representation dated 03.11.2015.

For Petitioner : Mr.S.Sundarapandian
For Respondents: Mr.D.Muruganandam
Additional Govt. Pleader



O R D E R

The writ petition has been filed for a Writ of Mandamus directing the respondents 1 to 3 to conduct enquiry against the respondents 4 to 7 on the allegations leveled against them, based on the petitioner's representation dated 03.11.2015.

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2. The case of the petitioner is that four false cases have been registered against the petitioner's son in Crime Nos.94, 150, 210 and 220 of 2015. The petitioner's son has not involved in any of the offence much less the offence mentioned in the aforesaid crime numbers. Since false cases have been registered against the petitioner's son at the instigation of the respondents 4 and 5, he made a representation dated 03.11.2015 to the respondents 1 to 3 to take appropriate action against the police officials. According to the petitioner, without following any due process of law, action has been initiated against the petitioner's son.

3. The respondents have not filed any counter but however contested the case by contending that in pursuant to the involvement of the petitioner in various offences, the cases have been registered against him by the respondent police and if the prayer sought for by the petitioner is allowed, one after other accused will approach this Court to initiate action against the respondent police which will definitely preclude the respondent police to proceed further in accordance with law. In case, if the petitioner is able to establish that his son has not committed any such offence, appropriate action would be taken against the respondent police and it is premature on the part of the petitioner to contend that false cases have been registered against the petitioner's son.

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

5. This Court finds much force in the contention of the respondents, repeated filing of cases against the petitioner's son by the respondent police is not a ground for the petitioner to send a representation to the respondents 1 to 3 to take action against the respondents 4 to 7. When the petitioner's son was found indulging in various offences, naturally the police will register a case. After investigation, if it is found that false and fabricated cases have been filed against the petitioner's son, it is for the petitioner to approach this Court with the present prayer. Therefore, at this stage, this Court is not inclined to stall the entire proceedings as stalling of proceedings will result in paving way to other accused to approach this Court with the similar prayer. Hence, there is no reason to grant the relief sought by the petitioner. Accordingly, the writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar



To

1.The Secretary to Government,
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Chennai-600 009.

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Tirunelveli District.

7.The Sub-Inspector of Police,
Seevalaperi Police Station,
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+1 CC to Mr.S.Sundarapandian, Advocate, SR No.65346

+1 CC to the Special Government Pleader SR No.65755

W.P. (MD) .No.20272 of 2015
16.11.2015

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