



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2015

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.23185 of 2015

P.Murugan

... Petitioner

Vs.

The Superintendent of Police,
Sivagangai District, Sivagangai.

... Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 22.07.2015, within a stipulated time.

For Petitioner : Mr.P.Venkata Subramanian

For Respondent : Mr.D.Muruganantham, AGP

O R D E R

The Writ petition has been filed to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 22.07.2015, within a stipulated time.

2.Mr.D.Muruganantham, learned Additional Government Pleader takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

3.Due to some civil dispute between the petitioner and his brother one Malairajan, the petitioner has filed a suit in O.S.No.141 of 2011 before the Sub Court, Sivagangai. As rightly pointed out by the learned Additional Government Pleader appearing for the respondents, for a private dispute a Writ is not maintainable and the remedy lies elsewhere and not before this Court. Further, in the representation the petitioner seeks a direction to the respondent to take action against one Ponragu Inspector of Police, Taluk Police Station, Sivagangai, and one Gnanasekaran and Nagarajan, Sub Inspectors of Police, alleging that they have colluded with his brother and foisted false cases against the petitioner. In the guise of disposal of the ~~cases~~ <https://hccases.mcaonline.com/cases/> the petitioner attempts to pressurize the respondent Police to take action against his subordinates, which is not permissible.



4. Therefore, the prayer of the petitioner cannot be entertained. If the Police has registered false case against the petitioner, then he has to approach the appropriate forum to prove his innocence. Without doing so, filing a Writ petition that too directing the respondent Police to take action against his subordinates is not acceptable. If that be so, then the respondent Police cannot function his official duty independently. Whether the petitioner's brother has colluded with the above said officials or not is purely a question of fact and the same cannot be gone into by this Court in this Writ petition.

5. Further, it is no doubt true that the prayer sought in the Writ petition is in respect of a private dispute and hence, the petitioner can avail his remedy before appropriate forum. In the result, the Writ petition is dismissed. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

nbj
To
The Superintendent of Police,
Sivagangai District, Sivagangai.

+1CC to Spl. Government Pleader Sr.No.76334
+1CC to Mr.Venkata Subramanian Advocate Sr.No.76307

GJM/JGB/DP/12.1.16-2p-4C

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