



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 30.04.2015  
CORAM:

**THE HON'BLE MR.JUSTICE S.MANIKUMAR  
AND  
THE HON'BLE MR.JUSTICE G.CHOCKALINGAM**

W.P. (MD) No. 7176 of 2015  
and  
M.P. (MD) No. 1 of 2015

TAMILNADU DEVENDRAKULA VELLALAR KUTTAMAIPPU  
REP.BY ITS VICE PRESIDENT,  
P.RAJKUMAR, NO.7, DEVENDRA NAGAR,  
URAPPAKKAM EXTENSION VANDALOOR,  
CHENNAI  
OFFICE ADDRESS AT  
NO.3/184, MELUR MAIN ROAD  
MADURAI. .. Petitioner

Vs.

1. THE STATE OF TAMILNADU,  
REP.BY ITS PRINCIPAL SECRETARY,  
HOME DEPARTMENT, FORT ST.GEORGE,  
CHENNAI-9.
2. THE DIRECTOR GENERAL OF POLICE,  
TAMILNADU POLICE DEPARTMENT, KAMARAJAR SALAI,  
CHENNAI.
3. THE INSPECTOR GENERAL OF POLICE,  
SOUTH ZONE, MADURAI.
4. THE COMMISSIONER OF POLICE,  
TIRUNELVELI CITY, TIRUNELVELI.
5. THE SUPERINTENDENT OF POLICE,  
TIRUNELVELI RURAL DISTRICT, TIRUNELVELI.
6. THE SUPERINTENDENT OF POLICE,  
TUTICORIN DISTRICT, TUTICORIN.
7. THE SUPERINTENDENT OF PRISON,  
PALAYAMKOTTAI CENTRAL PRISON, PALAYAMKOTTAI,  
TIRUNELVELI DISTRICT.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a WRIT OF MANDAMUS directing 1st respondent to conduct the personal enquiry as regards inhuman activities and brutal attack committed by the police people of Tirunelveli and Tuticorin Districts on the petitioners community people especially the members of petitioner federation and take appropriate action as against the erred police



officials by issuing necessary direction to the respondents 2 to 6 based on the petitioners' representation dated 20.04.2015 made to the 1st respondent.

For Petitioner

: Mr.K.Kannan

For Respondents

: Mr.M.Alagadevan  
Special Government Pleader

**O R D E R**

**(The order of the Court was made by S.MANIKUMAR, J.)**

Tamil Nadu Devendrakula Vellalar Kuttamaippu represented by its Vice President has sought for a writ of Mandamus directing the 1st respondent to conduct a personal enquiry, into the inhuman activities and brutal attack committed by the police, against the members belongs to a particular community, in Tirunelveli and Tuticorin Districts and especially, on the members of petitioner's federation and to take appropriate action, against the erring police officials, by issuing necessary directions to the respondents 2 to 6 based on the petitioners' representation dated 20.04.2015 made to the 1st respondent.

2. As per the supporting affidavit of the Vice President of the petitioners' federation, Criminal cases have been registered against the members belonging to a Section of Society. Atrocities have been committed by the police and instances have been cited in the supporting affidavit.

3. Maintenance of law and order is the function of the State. Merely because, registration of criminal cases against some of the members of a section of the Society, it cannot be contended that action of the police biased. A criminal case registered upon investigation by the police, would reach a logical end, depending upon the materials collected, during investigation. One of the contentions of the petitioner is that the activities of the federation are prevented by police, by foisting false criminal cases and thereby the right to live peacefully, guaranteed under Article 19 of the Constitution of India is affected.

4. If there is any infringement of such right, the same requires to be substantiated. Though the petitioner has cited certain instances in the supporting affidavit and contended that the incidents had never taken place and that the police have foisted criminal cases, the said contention cannot be adjudicated, on the basis of mere averments. Whether the incidents occurred or not, is a matter for investigation.

5. For the reasons stated supra, mandamus cannot be issued against the Principal Secretary to the Government, Home Department to conduct a personal enquiry and hence, this writ petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

Sd/-

Assistant Registrar(T & P)

\\True copy\\



To

1. THE PRINCIPAL SECRETARY,  
HOME DEPARTMENT, FORT ST.GEORGE,  
CHENNAI-9.
2. THE DIRECTOR GENERAL OF POLICE,  
TAMILNADU POLICE DEPARTMENT, KAMARAJAR SALAI,  
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PALAYAMKOTTAI CENTRAL PRISON, PALAYAMKOTTAI,  
TIRUNELVELI DISTRICT.

+1cc TO M/S.K.KANNAN, ADVOCATE SR.NO.24054

Order made in  
W.P. (MD) No.7176 of 2015  
and  
M.P. (MD) No.1 of 2015  
30.04.2015

RJ2

NA/PRV/28/05/2015/P3/9C