



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2015

C O R A M

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD) No.16795 of 2013

and

M.P(MD) Nos.1 & 2 of 2013

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M.Muthu

... Petitioner

Vs.

- 1.The Secretary to Government,
Home Department,
Secretariat,
Fort St. George, Chennai.
- 2.The Director General of Police,
Government of Tamil Nadu,
Chennai.
- 3.The Superintendent of Police,
Sivagangai District, Sivagangai.
- 4.Vellathurai,
Deputy Superintendent of Police,
Now working at
Additional Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 5.The Inspector of Police,
SIPCOT Police Station,
Sivagangai District.
- 6.Mr.Palpandi,
The Inspector of Police,
SIPCOT Police Station,
Sivagangai District.
- 7.Mr.Thavamani,
Sub Inspector of Police,
SIPCOT Police Station,
Sivagangai District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the 1 to 3 respondents to take appropriate action against the 4th to 7th respondents based on the petitioner representation, dated 04.10.2013 within the period that may be stipulated by this Court.



For petitioner : Mr.S.Karthik
For R1 to R3 : Mr.S.Chandrasekar
Govt. Advocate
For R6 : Mr.C.Sivanatha Murthi

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ORDER

The petitioner has filed this writ petition for a writ of mandamus, directing the respondents 1 to 3 to take appropriate action against the respondents 4 to 7 based on his representations, dated 04.10.2013 and 07.10.2013.

2.The petitioner married one Chithra Devi on 04.07.2004, who is working as a Police Constable in the Tamil Nadu Police Department. At the time of filing the writ petition, the said Chithra Devi was working at Manamadurai Police Station as writer in-charge. The petitioner is working in Indian Army. When he came on leave from 27.08.2013 to 25.09.2013, disputes arose between him and his wife.

3.According to the petitioner, his wife insulted him and beaten him with Lathe. His wife gave a complaint against him on 14.09.2013. The respondents 6 and 7 called the petitioner, for enquiry. He co-operated with them. In spite of the same, they tortured him and they took the petitioner's Indian Army Identification Card (No.E346713), Military Canteen smart cards, Pan card, ATM Card, SBI (Defense salary Package account) and leave certificate etc., and refused to return the same. At that time, the fourth respondent, Deputy Superintendent of Police, came to the police station and after enquiry with said Chithra Devi, he also hit by legs. In the circumstances, he gave a representation on 07.10.2013 to the respondents 1 and 2. Even after receiving his representation, the respondents did not return the documents to him. Therefore, he filed the present writ petition for the above stated relief.

4.The third respondent, Superintendent of Police filed counter affidavit denying the averments made by the petitioner in the affidavit and stated that based on the complaint, dated 14.09.2013 given by Chithradevi, residing at Nethaji Nagar, Sipcot, Manamadurai, the fifth respondent investigated the matter and arrested the petitioner and remanded him before the learned Judicial Magistrate, Manamadurai. Subsequently, he was enlarged on bail. The entire investigation was done only by the fifth respondent. The fourth respondent never investigated the case at any point of time and therefore, he prayed for dismissal of the writ petition.

<https://hcservices.ecourts.gov.in/hcservices/> 5.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel appearing for the sixth respondent.



6. Considering the facts of the case, without deciding the allegations and counter allegations made by the petitioner and the respondents, this Court directs the petitioner to send a fresh representation with a copy of this order to the second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the same and pass orders on merits and in accordance with law, within a period of twelve weeks, thereafter.

7. With the above directions, the writ petition is disposed of. No costs. Consequently, connected M.P(MD) Nos.1 & 2 of 2013 are also closed.

Sd/-

Assistant Registrar (Per.Admn)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Home Department,
Secretariat,
Fort St. George, Chennai.
2. The Director General of Police,
Government of Tamil Nadu, Chennai.
3. The Superintendent of Police,
Sivagangai District, Sivagangai.
4. Vellathurai,
Deputy Superintendent of Police,
Now working at
Additional Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
5. The Inspector of Police,
SIPCOT Police Station, Sivagangai District.
6. Mr. Thavamani,
Sub Inspector of Police,
SIPCOT Police Station, Sivagangai District.

+ 1 CC TO MR.S.KARTHICK, ADVOCATE IN SR NO. 49020