

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.NO.14448 OF 2016
AND WMP NO.12631 OF 2016

M.Perumal

.. Petitioner

Versus

- 1.State of Tamil Nadu
Rep. By the Chief Secretary to Government
Fort St. George,
Chennai - 600 009.
- 2.Secretary to Government
Health Department
Fort St. George,
Chennai - 600 009.
- 3.Dean
Kilpauk Medical College & Hospital
Kilpauk,
Chennai - 600 010.
- 4.The Director
Egmore Eye Hospital,
Egmore,
Chennai - 600 009.
- 5.Inspector of Police
T-3 Police Station
Korattur,
Chennai.
- 6.Thangasamy

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to take suitable action against the fifth respondent.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.S.Gunasekaran
1 to 5 Additional Government Pleader

O R D E R

The petitioner, Mr.M.Perumal, has filed this writ petition seeking for a direction to the first respondent, to take suitable action against the fifth respondent.

2.Heard the learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Additional Government Pleader, who takes notice on behalf of the respondents 1 to 5.

3.The petitioner is a Plumber by profession and he is also doing other allied building works. While so, the sixth respondent requested him to bring one Carpenter for undertaking the carpentry work. Accepting his request, the petitioner has taken one Carpenter by name Mr.Anil Kumar, on 07.04.2016 and the said Carpenter worked for three days from 07.04.2016 to 09.04.2016. The said Mr.Anil Kumar, has received a sum of Rs.800/- towards advance. However, on completion of the carpentry work, Mr.Anil Kumar was not paid with wages for three days and on demand, the sixth respondent alleged to have abused him in filthy language. This was brought to the notice of the petitioner herein and when the petitioner asked the sixth respondent, he was compelled to pay wages to Mr.Anil Kumar. Further, the petitioner has stated that the sixth respondent called him to the second floor and locked the room and attacked him severely with a wooden rock, in which, the petitioner has sustained injuries on his left eye and hence, he has given a complaint on 09.04.2016 to the fifth respondent, against the sixth respondent. Thereafter, the petitioner went to the third respondent Hospital and he was referred to the fourth respondent Hospital and took treatment. The grievance of the petitioner is that when the complaint has already been given to the fifth respondent Police, till date, no action is taken on his complaint.

4.The learned Additional Government Pleader appearing for the respondents 1 to 5 would state that both the petitioner and the sixth respondent had personal enmity and after having sustained injuries, both of them were treated as out patients in the third respondent Hospital. Now, both the petitioner and the sixth respondent have given complaints alleging against each other. After receiving the complaint from the sixth respondent, the fifth respondent has also asked both the petitioner and the sixth respondent to appear for an enquiry. When the sixth respondent appeared for the said enquiry, the petitioner has failed to appear before the fifth respondent. Therefore, if the petitioner is directed to appear before the fifth respondent for an enquiry, the fifth respondent would be able to enquire into the same and to proceed further.

5.However, since the petitioner has made a complaint against the fifth respondent, along with the sixth respondent, stating that he has been compelled to withdraw the complaint, the learned Additional Government Pleader, taking instructions from the Police Official, who is also present in Court, has submitted that the Assistant Commissioner of Police, Ambattur Range, Ambattur, Chennai, may be directed to enquire into the complaint and to proceed further.

6.Recording the statement made by the learned Additional Government Pleader appearing for the respondents 1 to 5, this writ petition is disposed of with a direction to the petitioner to appear for an enquiry, before the Assistant Commissioner of Police, Ambattur Range, Ambattur, Chennai and the Assistant Commissioner of Police, Ambattur Range, Ambattur, Chennai is hereby directed to enquire into the complaint made by the petitioner and take action in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

TK

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

- 1.The Chief Secretary to Government
Government of Tamil Nadu
Fort St. George,
Chennai - 600 009.
- 2.Secretary to Government
Health Department
Fort St. George,
Chennai - 600 009.
- 3.Dean
Kilpauk Medical College & Hospital
Kilpauk, Chennai - 600 010.
- 4.The Director
Egmore Eye Hospital,
Egmore, Chennai - 600 009.
- 5.Inspector of Police
T-3 Police Station
Korattur, Chennai.

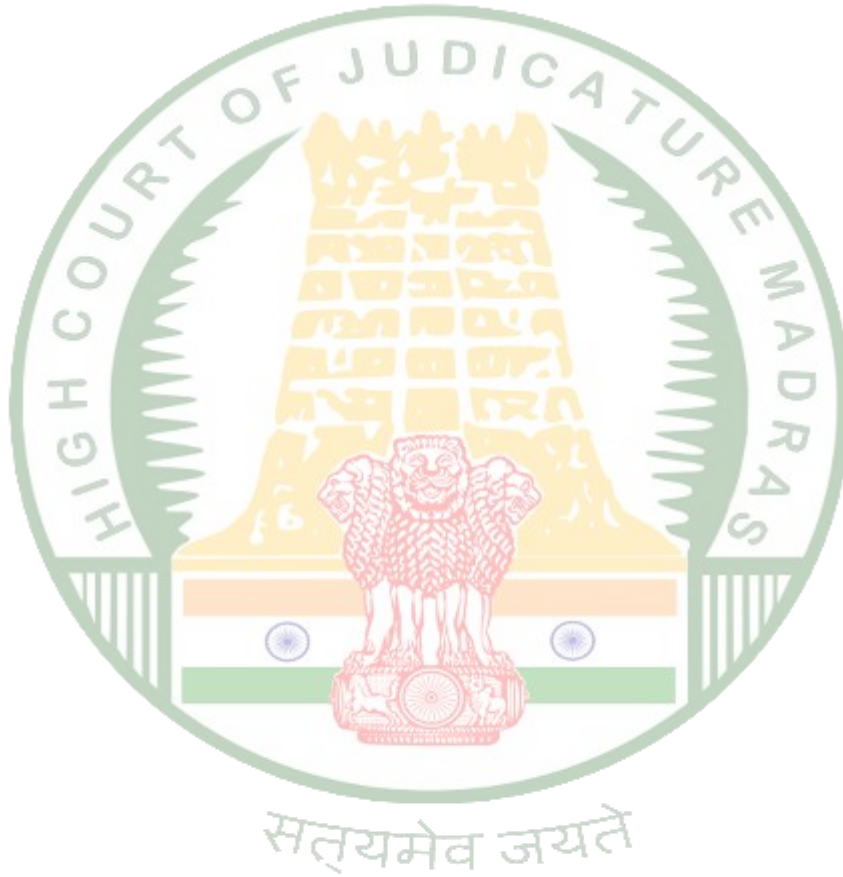
6. The Assistant Commissioner of Police,
Ambattur Range, Ambattur, Chennai.

+ 1 cc to Mr.M.Gnanasekar, Advocate, SR 24772

+ 1 cc to Govt.Pleader, High Court, Madras SR 24562

mpI(co)
prk23/5

W.P.NO.14448 OF 2016



WEB COPY