

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

W.P.No.20646 of 2015

V.B.R.Menon

Flat No.4B, Brookdale Apartments,
No.12, P.T.Rajan Salai,
K.K.Nagar,
Chennai - 600 078.

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Home Department,
Secretariat,
Chennai - 600 009.

2.The Director General of Police,
No.1, Dr.Radhakrishnan Salai,
Near Light House,
Mylapore,
Chennai - 600 004.

3.The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai - 600 007.

4.P.Kulandaivel
Assistant Commissioner of Police,
T-15, SRMC Police Station,
Porur, Chennai - 600 116.

5.B.Sampath
Inspector of Police,
T-13, Kundrathur Police Station,
Kundrathur,
Chennai - 600 069.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to consider and pass orders on the petitioner's representation dated 04.05.2015.

For Petitioner : Ms.T.Kokilavane

For Respondents: Mr.A.Sanjay Gandhi,
Additional Government Pleader
[R1 to R3]

O R D E R

The petitioner has filed this writ petition for issuance of a writ of mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 04.05.2015 and to pass orders on merits.

2. The petitioner and his family members are the owners of 1.92 acres of patta land in Survey No.415, Kovur Village, Sriperumbudur Taluk, Kancheepuram District, since 1997. The petitioner's premises is connected with the Porur-Kunrathur State Highway through a black topped, public road and both these roads are running through the sides of canal poromboke lands in Survey No.456, Kovur Village. The petitioner enjoys easement right over the road. The petitioner has also filed a suit in O.S.No.270 of 2010 on the file of District Munsif cum Judicial Magistrate, Sriperumbudur, and obtained permanent injunction. The grievance of the petitioner is that the remaining lands in the above canal poromboke are being used by few people belonging to another village for burying and cremation of human bodies illegally and for other illegal activities and thereby causing public nuisance in the locality. Hence, he filed a W.P.No.31770 of 2014 before this Court and notice was ordered on 04.12.2014. During the pendency of the writ petition, a group of people had damaged the black topped road as well as the partition wall on 22.12.2014 in the presence of respondents 4 and 5. The fifth respondent was aiding and advising the mob to complete the destruction of properties quickly by employing a JCB so that the unlawful assembly of people would get dispersed automatically. The petitioner has given a complaint to the fifth respondent and a CSR was issued on 22.12.2014. After intervention of the Deputy Commissioner of Police, Ambattur, a case was registered in Crime No.1595 of 2014 on 25.12.2014 without mentioning the names of the accused persons and the JCB vehicle used for destroying the properties. The petitioner has complained about the bias and involvement of the respondents 4 and 5 to their superior officers but they have not acted nor removed them from the investigation of the case. Hence, he has given a representation dated 04.05.2015 to the respondents 1 to 3. Since no action has been taken on his representation, the petitioner has filed the present writ petition.

3. Even though sufficient time has been given to the respondents 1 to 3 for filing counter, no counter has been filed.

4. Considering the limited nature of relief sought for by the petitioner, this Court directs the respondents 1 to 3 to consider the petitioner's representation dated 04.05.2015 and pass appropriate orders on merits and in accordance with law within a period of three weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. No costs.

gm

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Government of Tamil Nadu,
Home Department,
Secretariat,
Chennai - 600 009.

2.The Director General of Police,
No.1, Dr.Radhakrishnan Salai,
Near Light House,
Mylapore,
Chennai - 600 004.

3.The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road,
Vepery, Chennai - 600 007.

+ 1 cc to The Govt.Pleader, Sr 15044

+ 1 cc to Ms.T.Kokilavane, Advocate Sr 14749

KR/17/3/16

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