

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.22290 of 2016

V.Periyasamy

.. Petitioner

Vs

1.The District Collector,
Salem.

2.The Superintendent of Police,
Salem.

3.The Deputy Superintendent of Police,
Attur Taluk and Post,
Salem.

4.The Inspector of Police,
Mallaikarai Police Station,
Attur Taluk,
Salem District.

5.T.M.Ramasamy, S/o.Marimuthu

6.Sithuraj

7.Sankar, S/o.Duraisamy

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the second respondent herein to consider the petitioner's representation dated 7.3.2016 and register the case against T.M.Ramasamy, S/o.Marimuthu, one Sithuraj and one Sankar, S/o.Duraisamy.

For Petitioner : No appearance
For Respondents [R1 to R4] : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

The petitioner has filed this Writ Petition seeking direction to the second respondent to consider the petitioner's representation dated 07.3.2016 and to register a case.

2. No representation for the petitioner on account of boycott of Courts. However, in Harish Uppal [Ex.Capt.] Vs Union of India, reported in [2003] 2 SCC 45, the Hon'ble Supreme Court has held that boycott of Courts is illegal and therefore, this Court perused the records, heard the learned Additional Public Prosecutor and passed orders.

3. It is the case of the petitioner that he is the owner of the property in Suvey No.72/1, 72/3 in Arasanatham Village, Attur Taluk, Salem District, having inherent sale under the Will dated 15.12.1994. It is alleged by the petitioner that one Ramasamy, Sithuraj and Sankar, i.e., respondents 5 to 7 are trying to unnecessarily trespass the property of the petitioner, and that he had given a complaint dated 04.03.2016, to the Inspector of Police, Mallaikarai Police Station, Salem, who has not taken any action on the complaint.

4. The Division Bench of this Court in Ingaci Vs. Commissioner of Devakkottai Municipality, Sivaganga District, 2010(2) LW 785, stated that this Court should not pass orders mechanically directing the authorities to consider the representations. Under the Code of Criminal Procedure, there is no provision for the police officials to consider the representation and pass orders. As and when a cognizable offence is made out, it is open to the police to register an FIR and take action in terms of Chapter 12 of the Code of Criminal Procedure.

5. Hence, no direction as prayed for can be granted. That apart, in the representation dated 07.03.2016, the petitioner has not even stated the date on which the alleged incident had taken place.

6. In the result, this Writ Petition is dismissed with liberty to the petitioner to approach the fourth respondent-Police as and when there is an aggression by respondents 5 to 7.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
Salem.

2.The Superintendent of Police,
Salem.

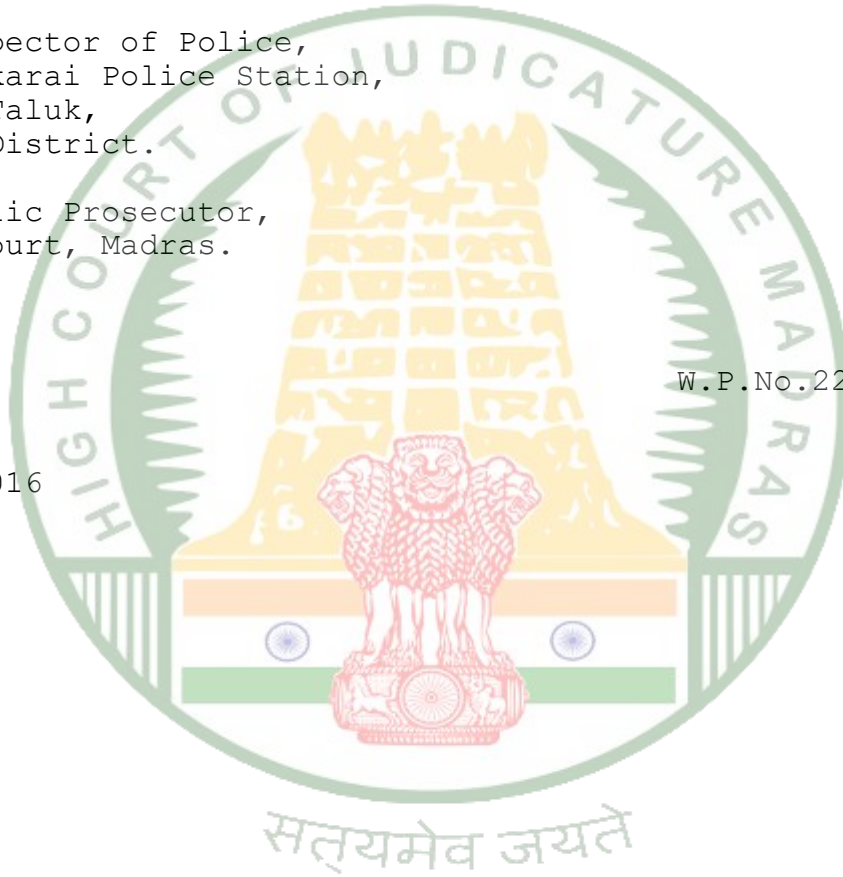
3.The Deputy Superintendent of Police,
Attur Taluk and Post,
Salem.

4.The Inspector of Police,
Mallaikarai Police Station,
Attur Taluk,
Salem District.

5.The Public Prosecutor,
High Court, Madras.

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