

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 27-09-2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.14838 of 2013
and
M.P.No.1 of 2013

E.Bharathi

.. Petitioner

Vs.

1.The Home Secretary
Secretariat,
Fort St. George
Chennai-9.

2.The Director General of Police
Tamil Nadu Police Head Quarters
Kamarajar Salai
Chennai-5.

3.The District Collector
Villupuram District
Villupuram.

4.The Superintendent of Police
Villupuram District
Villupuram.

5.The Inspector of Police
Kiliyanoor Police Station
Villupuram District.

6.Mr.Vijayadoss.

.. Respondents

Prayer : The writ petition is filed to issue a Writ of Mandamus, directing the respondents 1 to 5 to take necessary action on the petitioner's representation, dated 20.4.2013, thereby save the life of the petitioner and his family members, who were ostracised by the sixth respondent.

For Petitioner : M/s.P.S.Amalraj

For Respondents Nos.1 to 5 : Mr.V.Jaya Prakash Narayanan
Spl. Govt. Pleader.

For Respondent No.6 : Mr.S.Janarthanam

O R D E R

Heard.

2. This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondents 1 to 5, to take necessary action against the sixth respondent, based on the representation of the petitioner, dated 20.4.2013.

3. The main grievance of the petitioner is that the sixth respondent and his henchmen had ostracised the petitioner and destroyed the hut, belonging to the mother of the petitioner. They had also abused her in a filthy language and threatened the family members of the petitioner with dire consequences.

4. In such circumstances, the petitioner had lodged a complaint before the fifth respondent. Based on the said complaint, a case had been registered, in Cr.No.606 of 2012, on the file of the Killiyanoor Police Station, for the offence under Section 435 of the Indian Penal Code, and later the said offence had been altered under Sections 447, 509, 506(ii), 436 of the Indian Penal Code, read with Section 4 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992.

5. In the counter affidavit filed by the fifth respondent, it has been stated that the allegations made by the petitioner, in the present writ petition are false and frivolous. Based on the complaint made by the petitioner, a case had been registered against the sixth respondent and a final report had also been filed and the case is pending before the Judicial Magistrate Court at Vanoor.

6. In view of the averments made in the affidavit filed in support of the writ petition, as well as in the counter affidavit filed by the fifth respondent and in view of the submissions made by the learned counsels, appearing on behalf of the petitioner, as well as the respondents, it is noted that a case had been registered against the sixth respondent, based on the complaint lodged by the petitioner. The said case is pending disposal on the file of the Judicial Magistrate Court, at Vanoor. As such, this Court is of the view that no further

orders are necessary in the present writ petition. However, it may be open to the petitioner to lodge a complaint, against the sixth respondent, with specific allegations, if any act of the sixth respondent infringes the rights of the petitioner, before the appropriate forum, in the manner known to law.

The writ petition stands dismissed, with the above observations. No costs. Consequently, connected M.P. is also dismissed.

rnb

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Home Secretary
Secretariat, Fort St. George,
Chennai-9.

2.The Director General of Police
Tamil Nadu Police Head Quarters
Kamarajar Salai, Chennai-5.

3.The District Collector
Villupuram District, Villupuram.

4.The Superintendent of Police
Villupuram District, Villupuram.

5.The Inspector of Police,
Kiliyanoor Police Station,
Villupuram District.

+ 1 cc to M/s.P.S.Amalraj, Advocate Sr 55913

+ 1 cc to The Govt.Pleader, Sr 55377

KR/26/10/16

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