

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition No.38491 of 2016

N.B.Kotteeswaran

... Petitioner

Vs.

1.The Commissioner of Police,  
Greater Chennai,  
Vepery, Chennai.

2.The Deputy Commissioner of Police,  
B-1, North Beach Police Station,  
Chennai.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents herein to dispose of his representation dated 15.10.2016 in accordance with law, by conducting a detailed enquiry.

For Petitioner : Mr.D.Anandan

For Respondents : Mr.C.Emalias,  
Addl. Public Prosecutor

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to dispose of his representation dated 15.10.2016 in accordance with law, by conducting a detailed enquiry.

3. It is the case of the petitioner that this Court, by order dated 13.10.2015 in W.P.No.32622 of 2015, directed the respondents therein to take necessary action to ensure that NSC

Bose Road is cleared of all encroachment and to maintain that area as no-hawking area. Despite the same, some of the officials had joined hands with one Mani for their monetary benefits. In this regard, the petitioner preferred a complaint to the Assistant Commissioner of Police, B.2 Esplanade Police Station, Chennai on 22.8.2016 against one Pandurangan, Special Sub Inspector of Police, Ramamoorthy, Driver, Vinayagam, Head Constable and one Radhakrishnan, Inspector of Police. Thereafter, he came to know that the said officials are attempting to install a shop at the compound of KURALAGAM Complex. Immediately, the petitioner rushed to the spot and resisted the illegality. Hence, the said four officials had engaged some illegal elements and damaged the petitioner's car. In this regard, he sent a representation dated 15.10.2016 to the respondents. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition.

4. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor submitted that the Assistant Commissioner is not the competent authority to look into the matter, and the second respondent alone is the competent authority to consider the representation of the petitioner.

5. Considering the facts and circumstances of the case and in view of the limited prayer sought for by the petitioner, without going into the merits of the case, the second respondent is directed to conduct proper enquiry on the representation of the petitioner dated 15.10.2016 by giving due opportunity to the petitioner as well as to the necessary parties, if any, and take / pass appropriate action / orders thereafter. The said exercise shall be completed within a period of three weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

-s/d-  
सत्यमेव जयते  
Assistant Registrar

True Copy

Sub-Assistant Registrar

sbi

To

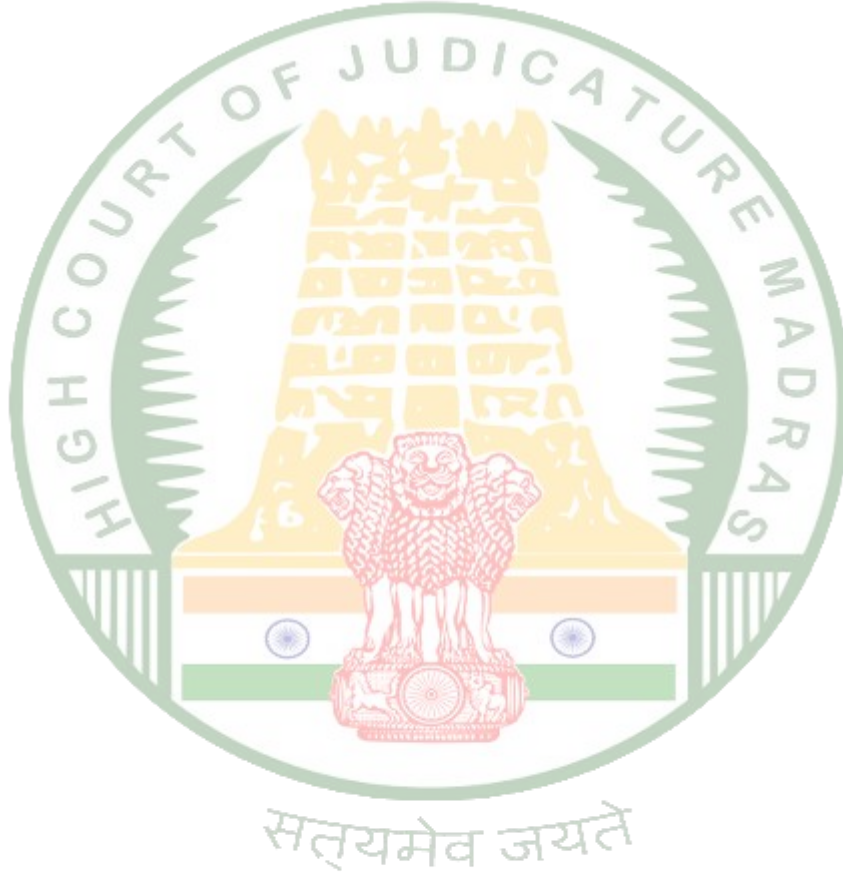
1.The Commissioner of Police,  
Greater Chennai,  
Vepery, Chennai.

2.The Deputy Commissioner of Police,  
B-1, North Beach Police Station,  
Chennai.

+1cc to Mr.D.Anandan, SR. No.76126.

W.P.No.38491 of 2016

PVS (CO)  
GN(20/01/2017)



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