



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.[MD].No.15125 of 2014

and

M.P.No.1 of 2014

A.Vins Anto,
Chairman, Kodayar Basin Irrigation System,
Water Resources Organization,
Public Works Department,
Nagercoil.

: Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District, Nagercoil.

2.The Inspector of Police,
Petchiparai Police Station,
Kanyakumari District.

3.T.Ambica

4.Chandra Babu @ Mosai

5.Paul Raja

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first and the second respondents to initiate appropriate action on the representation of the petitioner dated 19.02.2014.

For Petitioner : Mr.C.T.Perumal

For Respondent Nos.1&2 : Mr.M.Rajarajan
Government Advocate

O R D E R

[Order of the Court was made by S.NAGAMUTHU, J.]

The petitioner claims to be the elected Chairman of the Project Committee, Kodayar Basin Irrigation System, under Section 11 of the Tamil Nadu Farmers' Management of Irrigations Act, 2000. He has come up with this Public Interest Litigation contending that a bridge under construction collapsed on 31.08.2013, in which one of the workers died. According to the petitioner, he made a representation to the Superintendent of Police, Kanyakumari



District and the Inspector of Police, Petchipparati Police Station, for necessary action in respect of the same. Since no action was taken, the petitioner has come up with this Public Interest Litigation.

2. The learned Government Advocate appearing for the respondents 1 and 2 would submit that in connection with the said occurrence, a case in Crime No.73 of 2013, under Sections 337, 338 and 304(A) of the Indian Penal Code was registered against one T.Ambica and her husband, who are the contractors. In the said case, on completing the investigation, charge sheet has also been laid against the accused. He would further submit that the Government has paid a sum of Rs.1,00,000/- to the family of the deceased on 08.11.2013 and the Contractor has also paid a sum of Rs.5,00,000/- to the family of the deceased. Thus, according to the learned Government Advocate, proper action has been taken in respect of the said occurrence.

3. The learned counsel for the petitioner would submit that though it is true that a criminal case was registered against the contractors, no criminal case was registered against the officials concerned.

4. In our considered view, no criminal case could be registered at the whims and fancies of the police. It all depends upon the involvement of the persons in the crime. In this case, the case was registered against the contractor and her husband and during investigation, it was found that no official was involved in the crime. That is the reason why, no case was registered against the officials. Thus, in our considered view, no direction as prayed for by the petitioner in the Writ Petition could be granted.

5. In the result, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Kanyakumari District, Nagercoil.



2.The Inspector of Police,
Petchiparai Police Station,
Kanyakumari District.

+1cc to M/s.C.T.Perumal, Advocate SR.No.52957

+1cc to Special Government Pleader SR.No.53165

ORDER MADE IN
W.P.[MD].No.15125 of 2014

15.09.2016

nb

SD/DB/26.09.2016/3P/5C