



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2016

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P.(MD) No.5641 of 2016

Arunagiri Murugan

... Petitioner

-vs-

1. The District Collector,
Tirunelveli District.
2. The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli District.
3. The Superintendent of Police,
Tirunelveli District.
4. Mr.Sangu
5. The Inspector of Police,
Surandai Police Station,
Tirunelveli District.
6. R.Vijay Anand

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents 2 and 3 to take appropriate action against the fourth respondent herein on the basis of the proceedings passed by the first respondent herein vide O.Mu.No.C4/3255/2016 dated 22.01.2016 by affording the petitioner an opportunity of hearing and in accordance with law within a stipulated time.

For Petitioner : Mr.B.Brijesh Kishore
For R1 to R3 & R5 : Mr.D.Muruganandam,
Additional Government Pleader

O R D E R

The writ petition has been filed for a writ of Mandamus directing the respondents 2 and 3 to take appropriate action against the fourth respondent herein on the basis of the proceedings passed by the first respondent herein vide O.Mu.No.C4/3255/2016 dated 22.01.2016, by affording the petitioner an opportunity of hearing and in accordance with law within a stipulated time.

2. It is seen that this petitioner had given a representation to the District Collector against the fourth respondent for taking departmental action and the same has been forwarded by the District Collector to the Superintendent of Police. Therefore, the petitioner has approached this

Court with the above prayer.

3. The Honourable Supreme Court in **Gurpal Singh v. State of Punjab and Ors.** reported in (2005 (5) SCC 136) and in **Dr.Duryodhan Sahu and Ors. v. Jitendra Kumar Mishra and Ors.** reported in (1998 (7) SCC 273), has clearly held that in service matters, a public interest mandamus directing the authorities to take action on complaints is not maintainable.

4. That apart, a Division Bench of this Court in **M.Ingaci v. The Commissioner, Devakottai and others** reported in 2010 (2) L.W.785, has held that a direction to consider the representation cannot be passed unless there is a right under the rules.

5. The learned Additional Government Pleader submitted that there are two cases registered against this petitioner in Crime No.15 of 2016 and 24 of 2016. Therefore, the petitioner, in order to protect himself, has lodged a complaint against the Police Officers.

6. In view of the aforesaid legal position, the direction prayed for by the petitioner cannot be granted and the Writ Petition stands dismissed. However, the fourth respondent is directed to conduct an enquiry in accordance with law and not subject the petitioner to any illegal compulsions and if there is any cognizable offence committed by the petitioner, it is open to the police to register an F.I.R and prosecute him in accordance with law. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The District Collector, Tirunelveli District.
2. The Deputy Inspector General of Police,
Tirunelveli Range, Tirunelveli District.
3. The Superintendent of Police, Tirunelveli District.
4. The Inspector of Police,
Surandai Police Station, Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.B.BRIJESH KISHORE, Advocate, SR No.16624

W.P. (MD) No.5641 of 2016
22.03.2016