

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.08.2017

Coram

THE HON'BLE MR.JUSTICE RAJIV SHAKDER
&
THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.A.No.1028 of 2017
and C.M.P.No.14446 of 2017

S.Bakkiyaraj ... Appellant/Party in person

Vs.

1. State represented by the
Secretary to Govt Home
Secretariat, Fort St George
Chennai - 600 009.
2. The Inspector of Police
T-16 Maduravoyal Police Station
Chennai - 600 095.
3. Raji
4. Jagan
5. Gopi

...Respondents/Respondents

Writ Appeal filed under clause 15 of the Letters Patent,
praying to set aside the order passed in W.P.No.8292 of 2017
dated 04.07.2017.

Prayer in W.P.No.8292 of 2017:

Petition filed under Article 226 of the constitution of India for the issuance of a Writ of Mandamus to direct the second respondent herein, the Inspector of Police, T 16, Maduravoyal Police Station, Chennai 15 to register a first information report(FIR) against the respondents 3 to 5, forthwith and to direct the respondents 3 to 5 to handover the original documents in report of the House Property of the petitioner herein situated at No 132, Perumal Kovil Street, Alapakkam Chennai 116.

For Appellant : S.Bakkiyaraj, Party-in-person
For Respondents : Mr.P.S.Siva Shanmugasundaram,
Special Govt. Pleader for R1 & R2

JUDGMENT

(Judgment of the Court was made by RAJIV SHAKDER, J)

1. Issue notice. Mr.P.Siva Shanmugasundaram, accepts notice on behalf of respondent Nos.1 and 2.

2. With the consent of the appellant and the counsel for respondent Nos.1 and 2, the appeal is taken up for final hearing and disposal. In view of the order we propose to pass, for the moment, no notice is required to be issued to respondent Nos.3 to 5.

3. This is an Appeal preferred against the judgment and order of the learned single Judge dated 04.07.2017.

4. The appellant, who is the original writ petitioner, evidently, preferred a writ action, wherein a direction was sought, qua the second respondent, i.e., The Inspector of Police, T-16 Maduravoyal Police Station, Chennai, to register an FIR against respondent Nos.3 to 5. A further direction was sought from the Writ court, which was, to direct respondent Nos.3 to 5, to handover the original documents, qua the house property, said to be owned by the appellant, situated at No.132, Perumal Koil Street, Alapakkam, Chennai 116.

5. The learned Single Judge based on the submission advanced on behalf of respondent No.2 by the Government Pleader that the complaint lodged by the appellant on 20.06.2016, stood closed on the ground that the allegations made therein were found to be false, dismissed the writ petition.

5.1. The learned Single Judge took this course of action as he came to the conclusion that the Writ Petition had become infructuous.

6. The appellant, who appears in person, is aggrieved by the conclusion reached by the learned Single Judge. It is his submission that the assertion advanced on behalf of respondent No.2, that the allegations made in his complaint are false, is incorrect. The appellant says that he should be allowed to carry the matter forward in accordance with law.

7. We are in agreement with the submissions advanced by the appellant to the extent that he should be allowed to agitate the matter of closure of his complaint in accordance with law.

8. The appeal is, accordingly, disposed of giving liberty, in that behalf, to the appellant. The appellant will take

recourse to an appropriate remedy, albeit, in accordance with law. It is made clear that the observations made, therefore, by the learned Single Judge and the operative direction issued, that is, that the Writ petition stands dismissed will not come in his way. Consequently, connected application will stand closed. There shall, however, be no order as to costs.

9. To be noted, even before the learned Single Judge, there was no appearance on behalf of respondent No.3 to 5. In any event, Registry will dispatch a copy of the order to respondent Nos.3 to 5 without insistence on process fee.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

raja/vsm

To

1. The Secretary,
Home Department
Secretariat, Fort St George
Chennai - 600 009.
2. The Inspector of Police
T-16 Maduravoyal Police Station
Chennai - 600 095.
3. Raji
S/o.Elumalai Madhiravedu Mettu Street
Old No.29 New No.64 Thiruverkadu Chennai-77
4. Jagan
Madiravedu Mettu Street
Old No.29 New No.64 Thiruverkadu Chennai-77
5. Gopi
Madiravedu Mettu Street Old No.29
New No. 64 Thiruverkadu Chennai-77

+1 CC to Mr.S. Bakkiyaraj, Advocate sr 61855
+1 CC to Govt. Pleader sr 63395.

W.A.No.1028 of 2017

SKV(CO)
sp(15/09/2017)