

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition No.32 of 2017

B.Johnson

... Petitioner

Vs.

- 1 The Secretary to Government
Home Department Fort St. George Chennai-
600009.
 - 2 The Director General of Police
Chennai-600 004.
 - 3 The Deputy Inspector General
of Police Salem Range Salem Salem District
 - 4 The Superintendent of Police
Namakkal District Namakkal
 - 5 Mr.Palanisamy
Inspector of Police Tiruchengode Rural
Police Station Tiruchengode Namakkal
District (Pallipalayam Incharge)
- ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 5.11.2016 within a stipulated time as this Court fixes.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.C.Emalias,
Addl. Public Prosecutor,
for R.1 to R.4

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to consider and pass orders on merits by disposing his written representation dated 5.11.2016 within a stipulated time.

2. It is the case of the petitioner that due to the land dispute, his mother lodged a complaint before the fifth respondent as against the petitioner on 29.11.2011 and on receipt of the same, the fifth respondent issued CSR in CSR No.315 of 2011. After that, the fifth respondent called upon the petitioner and his brother and mother for enquiry. Accordingly, they appeared before the fifth respondent. Thereafter, the fifth respondent demanded a sum of Rs.7,00,000/- from the petitioner, otherwise, he threatened him that he would register a false case against the petitioner. Since the petitioner did not pay the said amount, the fifth respondent sent one Perumal, the Sub Inspector of Police to the petitioner's house on 3.12.2011 at 11.30 a.m. and the said Perumal had forcibly taken away 15 goats, 3 cows and 2 calf from his house. When the same was questioned by his wife, the said Perumal used filthy language against the petitioner's wife. Hence, the petitioner sent a legal notice to the fifth respondent and also sent written representations to the higher police officers. Even thereafter, the fifth respondent sent his policemen for seizure of his brother's vehicle under the guise of check up. Though the petitioner's brother produced the RC book and driving license, the police officials snatched away Rs.4,700/- from him and seized the said vehicle. Hence, the petitioner and brother went to the office of Superintendent of Police, who in turn, directed the Additional Superintendent of Police (Crime), Namakkal to enquire into the matter. After due enquiry, the Additional Superintendent of Police (Crime), Namakkal sent a report to the third respondent, wherein he has stated that necessary disciplinary proceedings, deemed fit, may be initiated against the Inspector. Even thereafter, no action was taken against the fifth respondent. In this regard, the petitioner made a written representation to the respondents 1 to 4 on 5.11.2016 narrating the entire facts and requested them to take action against the fifth respondent on the basis of the report submitted by the Additional Superintendent of Police (Crime), Namakkal. But, till date, no action was taken on his written representation. Hence, the petition.

3. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor submitted that the written representation of the petitioner dated 5.11.2016 would be considered.

4. Recording the said submission made by the learned Additional Public Prosecutor, the present writ petition is disposed of, with a direction to the fourth respondent herein to consider the petitioner's written representation dated 5.11.2016 and pass appropriate orders / take appropriate action, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs.

sd/
Assistant Registrar(CCC)

/true copy/

Sub Assistant Registrar

sbi

To

- 1 The Secretary to Government
Home Department Fort St. George Chennai-
600009.
- 2 The Director General of Police
Chennai-600 004.
- 3 The Deputy Inspector General
of Police Salem Range Salem Salem District
- 4 The Superintendent of Police
Namakkal District Namakkal
5. Inspector of Police,
Tiruchengode Rural Police Station
Tiruchengode, Namakkal District
(Pallipalayam Incharge)

+2cc to Mr.C.Prakasam Advocate SR.No.727

PK(CO)
GN(27/0/2017)

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