

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3619/2017 & WMP.No.3654/2017

G.Shanmugam .. Petitioner

Vs

1.The Director General of Police
O/o.The Director General of Police
Dr.Radhakrishnan Salai, Mylapore,
Chennai 600 004.

2.The Commissioner of Police
O/o.The Commissioner of Police
Vepery, Chennai 600 007.

3.Mr.M.Ravi
The Inspector of Police [Law & Order]
V3 JJ Nagar Police Station,
Mogappair East, Chennai-37.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 13.10.2016 and initiate department proceeding against the 3rd respondent within a stipulated period before this Court.

For Petitioner : Mr.I.Jesu

For Respondents : Mr.P.Sanjay Gandhi, AGP

ORDER

By consent, the writ petition is taken up for final disposal. Mr Mr.P.Sanjay Gandhi, learned Additional Government Pleader accepts notice on behalf of the respondents. The 3rd respondent, viz., the Inspector of Police, is also personally present before this Court.

2 The petitioner claims that he is the lawful and absolute owner of the land and building situated at Plot No.31, Kalaivanar Colony, Medimix Avenue, 4th Street, Anna Nagar West Extension, Chennai – 101, Ambattur Taluk, Tiruvallur District, comprised in Survey no.253, Padi Village, to an extent of 1000 sq.ft., of land along with building. The petitioner further claims that he purchased the said property from one Ramasamy Devar about 30 years back and he died in the year 2009 and the son of Ramasamy Devar, viz., Ram Suresh, along with rowdy elements, viz., Burma @ Marimuthu and Murugan, had made attempts to evict the petitioner illegally from the above said property and in this regard, the petitioner has also filed OS.No.412/2016 on the file of the Court of the District Munsif, Ambattur, against Ram Suresh, Burma @ Marimuthu and Murugan, praying for permanent injunction, restraining the defendants from in any manner, disturbing his peaceful

possession and enjoyment of the suit property and also restraining the defendants from evicting him except under due process of law and pendency of the suit, the petitioner did not the benefit of any interim order and a perusal of the plaint in OS.No.412/2016 would disclose that the Sale Deed, in and by which, the petitioner claims right, title and possession, has not been enclosed. The petitioner would further aver that the 3rd respondent, though a guardian of law and order, for the best reasons known to him, started acting on the behest of the above said persons and started interfering with the civil dispute and in this regard, the petitioner has also submitted a representation to the respondents 1 and 2 on 13.10.2016 praying for appropriate departmental action against the 3rd respondent and since no response is forthcoming, the petitioner came forward to file the present writ petition.

3 The learned counsel appearing for the petitioner would submit that the 3rd respondent being the Station House Officer of V3 JJ Nagar Police Station, Mogappair East, Chennai-37, is expected to maintain law and order and he cannot interfere with the civil rights of the petitioner under the guise of enquiry and day-in and day-out, the petitioner has been harassed by calling upon him to appear before the

Police Station for enquiry and left with no other option only, the petitioner is constrained to approach this Court, by filing the present writ petition.

4 Per contra, Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents has produced the Case Diary relating to the complaint lodged by the petitioner against the 3rd respondent as well as against the above said three persons also and would submit that after due and proper enquiry, based on the written undertaking given by the petitioner as well as the above said private persons, the complaint has been given a closure and subsequently, one Stephenraj has also given a complaint against the petitioner which has been taken on file in Petition No.136/2017 and for the purpose of closing the complaint, both the parties were called and thereafter, the said Stephenraj has withdrawn his complaint vide letter dated 02.02.2017. It is the further submission of the learned Additional Government Pleader that as and when complaint/petition is received, it is the duty of the 3rd respondent, as the Station House Officer, to look into the complaint and if cognizable offences are made out, has to register the FIR or otherwise, close the complaint after conducting due and proper enquiry and the 3rd respondent is performing his duties strictly within the

four corners of law and insofar as the complaint given by the petitioner against the 3rd respondent to the respondents 1 and 2 is concerned, the same has been forwarded to the Assistant Commissioner, Tirumangalam Range, Chennai and he has also conducted the enquiry and after taking into consideration the closure of the complaint and other relevant documents/records, found that the petitioner has acted as per the legal advise given by his lawyer and therefore, lodged the complaint.

5 The Court has considered the rival submissions and also perused the typed set of documents.

6 In the light of the subsequent development, nothing survives for further adjudication in the writ petition. It is also made clear that the Station House Officers are not expected to interfere with the civil dispute between the private individuals, unless it results in law and order problem and this Court, hope and trust that the 3rd respondent will act accordingly. The Assistant Commissioner, Tirumangalam Range, Chennai-101, is also directed to send a communication to the petitioner as to the closure of the complaint

M.SATHYANARAYANAN, J.,

AP

lodged by the petitioner against the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order.

7 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

14.02.2017

Index : No

Internet : Yes

AP

To

- 1.The Director General of Police
O/o.The Director General of Police
Dr.Radhakrishnan Salai, Mylapore,
Chennai 600 004.
- 2.The Commissioner of Police
O/o.The Commissioner of Police
Vepery, Chennai 600 007.
- 3.Mr.M.Ravi
The Inspector of Police [Law & Order]
V3 JJ Nagar Police Station,
Mogappair East, Chennai-37.

Copy to:

The Assistant Commissioner
Tirumangalam Range, Chennai 101.

W.P.No.3619/2017