

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2017

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

W.P.No.26585 of 2011

V.Balasubramanian

... Petitioner

Vs.

1.The Commissioner of Police,
Egmore, Chennai 600 008.

2.The Deputy Commissioner of Police,
Adyar, Chennai 600 020.

3.The Inspector of Police (L & O),
Neelangarai Police Station,
Neelangarai, Chennai 600 041.

4.The Sub Inspector of Police,
Neelangarai Police Station,
Neelangarai, Chennai 600 041.

5.Mr.Kumaravel ... Respondents

Prayer : Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd respondent to consider the representation dated 31.10.2011 given by the petitioner and consequentially direct the 3rd and 4th respondents to pay a sum of Rs.5,00,000/- as compensation to the petitioner.

For Petitioner : Mr.R.Thanjan for
M/s.P.Raja

For Respondents: Mr.R.Rajendra Narasimha
Government Advocate for RR1 to 4
Mr.N.A.Ravindran for R5

O R D E R

Heard Mr.R.Thanjan, learned counsel appearing for the petitioner and Mr.R.Rajendra Narasimha, learned Government Advocate for respondents 1 to 4 and Mr.N.A.Ravindran, learned counsel appearing for the fifth respondent.

2. The case of the petitioner is as follows:

The present writ petition has been filed seeking issue of writ of Mandamus against the respondents 3 and 4 who are police officials to pay a compensation of Rs.5,00,000/- to the petitioner for having detained the petitioner in the police station in respect

of certain private transaction between the petitioner and the fifth respondent.

3. In the affidavit filed in support of the writ petition, several facts have been stated alleging that the third and fourth respondents are acting at the biggest of the fifth respondent and forcibly taken some cheques from the petitioner towards the settlement of dues of the fifth respondent from the petitioner.

4. The averments contained in the affidavit filed in support of the writ petition does not give raise to any cause of action for invoking the jurisdiction of this Court under Article 226 of the Constitution of India. In case the petitioner is aggrieved by any illegitimate or illegal action on the part of the police officials, it is always open to the petitioner to invoke appropriate jurisdiction to forward any complaint against the erring officials.

5. The jurisdiction of this Court and Article 226 of the Constitution of India cannot be invoked for seeking compensation in respect of the issue that arises purely between two private parties viz., the petitioner and the fifth respondent.

6. In view of the same, the writ petition is as it is not maintainable and such prayer cannot be conceived in Article 226 of the Constitution of India. Therefore, the same is dismissed. No costs.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

To

1.The Commissioner of Police,
Egmore, Chennai 600 008.

2.The Deputy Commissioner of Police,
Adyar, Chennai 600 020.

3.The Inspector of Police (L & O),
Neelangarai Police Station,
Neelangarai, Chennai 600 041.

4.The Sub Inspector of Police,
Neelangarai Police Station,
Neelangarai, Chennai 600 041.

+1 CC to Mr. R.Thanjan Advocate SR.NO.73811/17

+1 CC to Government Pleader SR.No.74361/17

W.P.No.26585 of 2011

VGI (CO)

VC (17/11/2017)