

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.28395 of 2004

M.Arulnayagam

.. Petitioner

-VS-

- 1.The Inspector of Police (Law & Order)
J-6, Thiruvanmiyur Police Station,
Thiruvanmiyur, Chennai.
- 2.The Assistant Commissioner of Police (L& O)
Adayar Police Station,
Adayar, Chennai.
- 3.The Commissioner of Police
Chennai City Commissioner of Police,
Chennai 600 008.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to to forbear the respondents 1 and 2 or any other police officials from interfering with the liberty and freedom of the petitioner.

For petitioner : Mr.V.Raghavachari
For respondents : Mrs.K.Bhuvaneswari
Government Advocate

ORDER

The petitioner filed a writ petition for issuance of a writ of mandamus to forbear the law enforcing Agency namely respondents 1 and 2 from interfering with the liberty and freedom of the petitioner.

2. The apprehension of the petitioner leading to the filing of the writ petition is that on 17.09.2004, at the instigation of one Mr.D. Srikanth, The Inspector of Police (Law & Order)/first respondent visited the petitioner's house and enquired about the petitioner's whereabouts. Further the police personnel threatened the office staffs that unless the petitioner appears before the second respondent, the petitioner will have to face severe consequences.

3. Aggrieved by the action of the police, the petitioner filed the present writ petition.

4. On perusal of the material, none of the document shows the apprehension of the petitioner in the hands of the law enforcing agency. When there is no apprehension and there is no cause of action, filing of the writ petition is a pre-matured one.

In view of the foregoing reasons, the writ petition is dismissed. However, if any coercive steps which contrary to law is taken by the law enforcing agency, the petitioner is granted liberty to file a petition before the appropriate forum for getting appropriate relief. No costs.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

gv/kas

To

1. The Inspector of Police (Law & Order)
J-6, Thiruvanmiyur Police Station,
Thiruvanmiyur, Chennai.
2. The Assistant Commissioner of Police (L& O)
Adayar Police Station,
Adayar, Chennai.
3. The Commissioner of Police
Chennai City Commissioner of Police,
Chennai 600 008.

+1 CC to Mr.V. Raghavachari, Advocate sr 66876.

+1 CC to Govt. Pleader sr 67096.

W.P. No.28395 of 2004

SKS (CO)
sp(24/10/2017)