



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.08.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **T.RAJA**

W.P (MD) No.14539 of 2017

S.Muthuselvam

... Petitioner

Vs.

1. The Principal Secretary,
Home Department,
State of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.
2. The Director General of Police,
Office of the Director General of Police,
Beach Road,
Chennai.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.
4. The Inspector of Police,
Pudhukottai Police Station,
Thoothukudi District.
5. Mr.Ramachandran, (as he then was)
Inspector of Police,
Pudhukottai Police Station,
Thoothukudi District.
6. Mr.Sivashanmugam, (as he then was)
Sub-Inspector of Police,
Pudhukottai Police Station,
Thoothukudi District.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of mandamus, directing the respondent Nos.1 to 3 to take departmental proceedings against the respondent Nos.5 and 6 as per the dictum laid down by the Hon'ble supreme Court in Lalita Kumari vs. Government of Uttar Pradesh and others reported in 2013(6) CTC 353.



For Petitioner : Mr.S.Malaikani
For R1 to R4 : Mr.R.Karthikeyan
Additional Government Pleader

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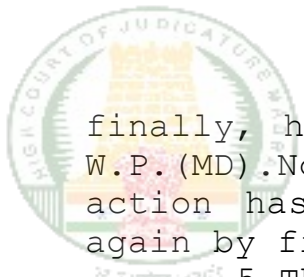
O R D E R

The petitioner, belonging to Mudivaithanenthal Village in Thoothukudi District, has come to this Court seeking a direction, directing the respondents 1 to 3 to take departmental proceedings against the respondents 5 and 6, as per the dictum laid down by the Hon'ble supreme Court in **Lalita Kumari vs. Government of Uttar Pradesh and others** reported in **2013(6) CTC 353**.

2.Heard Mr.S.Malaikani, learned counsel appearing for the petitioner and Mr.R.Karthikeyan, learned Additional Government Pleader appearing for the respondents 1 to 4.

3.By consent of both sides, this writ petition itself is taken up for final disposal.

4.The learned counsel for the petitioner submitted that the Temple viz., Arulmigu Muthallaman Temple is situated in Mudivaithanenthal Village and during the Tamil month of Chithirai, there will be a temple festival conducted by the villagers by collecting contribution from all the people. Till 2010, the temple festival went on without any disturbance. Only in the year 2011, when the petitioner came to know that there were huge irregularities in the Management and administration of the Temple, in respect of collection of contribution for celebrating the temple festival, under the head of one Pooli @ Perumal S/o. Maniyaran and the same was questioned by the petitioner, they virtually went to the extent of ostracizing the petitioner's family. From the year 2011, the petitioner and his family members were not allowed to go and worship the Deity. Again, in the year 2015 without collecting contribution from the petitioner's family and on 13.05.2015, at around 10.00 p.m., the supporters of Pooli @ Perumal conducted a cultural programme and at the time of watching the programme, the supporters of Pooli @ Perumal attacked the petitioner and he was rescued by the police personnel attached to Pudhukottai Police Station. He further submitted that the petitioner also made a complaint on 14.05.2015 to the Sub-Inspector of Police, Pudhukottai Police Station. Although the complaint disclosed very serious and cognizable offences, the respondents 5 and 6 refused to register the FIR. Therefore, the petitioner approached the respondents 5 and 6, at that time, the Sub-Inspector of Police, namely, Sivashanmugam attacked the petitioner stating that the petitioner should not insist the respondents 5 and 6 to register the FIR. Therefore, he made a representation to the District Collector and other authorities and



finally, he has come to this Court by filing a writ petition in W.P.(MD).No.5492 of 2016 and the same is also pending. Since no action has been taken in this regard, he is before this Court again by filing the present writ petition.

5.This Court, after hearing the learned counsel that the petitioner and his family members were not allowed to go and worship the Deity from 2011, questioned whether any complaint was made before the Police Station or Revenue Authorities. However, the learned counsel is not able to give an answer. Therefore, when the petitioner alleged that he was not allowed to go and worship the Deity along with his family members, it is not known how the petitioner has kept quite, till 2017 and the first complaint was made for registration only on 14.05.2015.

6.Mr.R.Karthikeyan, learned Additional Government Pleader appearing for the respondents placing on record a compromise reached between these two groups, submitted that the contentions made by the petitioner that no action was taken by the respondents 4 and 5, are fully devoid of merits. He further submitted that after receipt of the complaint from the hands of the petitioner on 14.05.2015, immediately, the fourth respondent, Inspector of Police, Pudukottai Police Station, Thoothukudi District, sent the entire papers to the Sub-Inspector of Police, viz., Tmt.Vijayalakshmi, who conducted an enquiry and came to the conclusion that both parties have made a complaint for which, C.S.R.Nos.164 and 165 of 2015 were given to both parties. Finally, both parties came forward to compromise the matter only on their consent and hence, the matter was closed. Therefore, if the petitioner aggrieved against the closure of the complaint, in which, he was a party, he has to move proper application. But, however, till date, he has not done so. Therefore, he has tried to project a false case before this Court. Hence, the prayer made by the petitioner is liable to be quashed.

7.I fully agreed with the submission made by the learned Additional Government Pleader. The reason is that there was a commotion at the time of celebrating the village festival in Arulmighu Muthumariamman Temple in 2015 and both parties approached the fourth respondent and made a request to register the case. Finally, the fourth respondent also sent the entire papers to the Sub-Inspector of Police, viz., Vijayalakshmi, who also, on receipt of the same, issued C.S.R numbers to both parties and closed the matter, after finding that there is nothing in their complaint, which is neither brought into the notice of this Court nor part of the entire record. Therefore, this Court finds no merits in the writ petition. Hence, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(Records)



To

1. The Principal Secretary,
Home Department,
State of Tamil Nadu,
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2. The Director General of Police,
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Chennai.
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Thoothukudi District.
4. The Inspector of Police,
Pudhukottai Police Station,
Thoothukudi District.

+1 cc to Mr.S.Malaikani , Advocate in SR.No. 70755
+1 cc to The Special Government Pleader in SR.No.71333

Ns

AE/MR KKR/SAR2/25.09.2017/4P/7C

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